I

The Re-organized Church of Jesus Christ
Of Latter Day Saints,
Complainants,
Vs
The Church of Christ, et al,
Defendants.

In the Circuit Court of the United States for the Western District of Missouri.

Depositions of witnesses taken on behalf of the complainants in the above entitled, taken in the Criminal Court room, in [illegible], in the City of Independence, Jackson County, Missouri, beginning on Tuesday the 2nd day of Aug[illegible], and continued from day to day [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible],-
For the Complainants,-[illegible] [illegible], [illegible] [illegible], [illegible] [illegible].
[illegible],- [illegible]:-
For the Defendants,-[illegible] [illegible], [illegible] [illegible], [illegible] [illegible], [illegible]
of [illegible] [illegible]=.

J[illegible] [illegible] [illegible] [illegible], [illegible], [illegible] [illegible] [illegible] ex-
amined on [illegible] part of the [illegible] in [illegible], testified as follows,-

Direct examination [illegible] [illegible],-

1 Q—[illegible] your name to the reporter? A—My name is John [illegible].

2 Q—[illegible] [illegible] [illegible] [illegible] [illegible]? A—I [illegible] [illegible], [illegible] the [illegible] day of [illegible].

3 Q—[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] of [illegible] [illegible] [illegible]? A—[illegible] sir.

4 Q—[illegible] [illegible] [illegible] [illegible] at [illegible] [illegible] [illegible]? A—[illegible] [illegible] of [illegible] [illegible].

5 Q—[illegible] [illegible] [illegible] [illegible],-the [illegible] [illegible] [illegible] [illegible] [illegible]? A—I [illegible] [illegible] [illegible], [illegible] [illegible] [illegible].

6 Q—[illegible] [illegible] [illegible] [illegible], [illegible] [illegible],-[illegible] [illegible] [illegible] of [illegible] [illegible]? A—Yes sir, [illegible] [illegible], [illegible] [illegible], [illegible].

7 Q—[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] church of [illegible] [illegible] [illegible]? A—[illegible] [illegible].

8 Q—Are [illegible] [illegible] [illegible] of [illegible] [illegible] [illegible]? A—Y[illegible] [illegible].

9 Q—What is the title of [illegible] [illegible] of [illegible] [illegible] [illegible]? A—The Re-or[illegible] Church of Jesus Christ of Latter Day Saints.

10 Q—[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]? A—[illegible] I [illegible] [illegible] [illegible] [illegible] [illegible] [illegible].

11 Q—Yes, [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]? A—[illegible] [illegible].

12 Q—[illegible] [illegible] [illegible] of [illegible] [illegible] [illegible] [illegible] [illegible] for the [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] called [illegible] [illegible] [illegible]. A—[illegible] [illegible].

13 Q—[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]? A—By [illegible] [illegible].

14 Q—[illegible] [illegible] [illegible] [illegible]? A—[illegible] [illegible] [illegible] in [illegible] [illegible] [illegible].

15 Q—[illegible] [illegible] in [illegible] [illegible] [illegible] [illegible],-[illegible] 1877? A—[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]ly [illegible].

16 Q—[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]? A—[illegible] it was [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] I think.

years, and then I received an higher ordination. I followed it until I received an higher ordination.

39 Q-What higher ordination did you receive? A-I received my ordination as an elder.

40 Q-At what time? A-That was in '46.

41 Q-In 1846? A-Yes sir.

42 Q-At what place was that? A-That was in Texas.

43 Q-Where about in Texas? A-Well it was,-I disremember the county.

44 Q-Well where about in Texas was it,-in what part of Texas was it? A-Well, I say I disremember the county, but it was about the central part of the state,-about eighty miles from the capital. It was about eighty miles from Austin the capital.

45 Q-It was about eighty miles from Austin? A-Yes sir.

46 Q-And far about, was it from San Antonio? A-About sixty five miles I think.

47 Q-Was there an organization of the church there? A-Yes sir.

48 Q-Who was at the head of the organization there? A-Well Lyman Wight was.

49 Q-Lyman Wight was at the head of that organization there? A-Yes sir.

50 Q-Who was Lyman Wight? A-He was one of the Twelve Apostles.

51 Q-You are one of the original Twelve? A-Yes sir. He appointed one of the Twelve to fill my place in the Quorum.

52 Q-Well now this you say was in Texas? A-Yes sir.

53 Q-Well you long did you remain there? A-I remained there about,-Well it was for years,-four or five I think.

54 Q-Well about when was it you left there, if at all? A-Well I remained there until about '52 or '53. Yes sir it was in '52 that I left there if I don't exactly recollect.

55 Q-Was the organization kept up there while you were there?

56 Q-There at that place in Texas where you were? A-Yes sir.

57 Q-Well then you left that point in Texas, where did you go? A-Well I came north,-I came to the Cherokee Nation, we did travel then.

58 Q-In what year was that? A-That was in '53.

59 Q-What year,-how long did you remain there? A-I remained there until '56.

60 Q-When where did you again you left that point?

A-Then I went to Utah.

61 Q-At what time? A-Did I go to Utah?

62 Q-Yes sir? A-Well it was in the spring of '56.

63 Q-Do you remember the time and the circumstances surrounding the death of Joseph the Seer? A-Yes sir.

64 Q-Where were you at that time? A-I was in Wisconsin.

65 Q-What were you doing in Wisconsin at that time? A-My father went there in connection with a company in which were Lyman Wight and George Miller, for the purpose of obtaining lumber.

66 Q-For what did you say you went to Wisconsin? A-For the purpose of obtaining lumber for the purpose of finishing up the temple, and for the building of the temple at Nauvoo, and we labored there until it was we brought the raft of lumber down the river to Nauvoo.

67 Q-What was it you brought down to Nauvoo? A-It was a raft of lumber and shingles to finish up that building.

68 Q-Where were you when you heard of the death of Joseph Smith? A-I was in Wisconsin.

69 Q-You were at Wisconsin on this lumber hunting expedition at the time you heard of the death of Joseph
A-Yes sir.

70 Q-And still you brought the lumber down the river?
A-Yes sir. That did not deter us,-we went right on-
[illegible] up our labors, and brought the lumber [illegible].

71 Q-The first [illegible] the death of Joseph, was [illegible]?
A-[illegible].

72 Q-[illegible] A-Yes sir.
[illegible]

73 Q-[illegible] -[illegible]
[illegible]

74 Q-[illegible]
A-[illegible]
[illegible]

75 Q-[illegible]
[illegible]

76 Q-[illegible] A-Yes sir
[illegible]

77 Q-[illegible]
[illegible]

78 Q-[illegible] A-Then [illegible]
[illegible]

79 Q-[illegible] Joseph that [illegible] only
[illegible] to your recollection
[illegible]

80 Q-[illegible] A-[illegible]
[illegible]

81 Q-[illegible] you? A-Yes sir [illegible] one
[illegible]

82 Q-[illegible] difference between that [illegible]
[illegible] only of [illegible]? A-[illegible]
[illegible] only in [illegible] the
[illegible] by the power of the priesthood. It was
[illegible] for [illegible]
[illegible]

83 Q-[illegible] through the requirements of the
[illegible] the [illegible], the requirements of the
[illegible], is that it? A-Yes sir, that was his
[illegible]

84 Q-[illegible] through this curse only? A-Yes sir.

85 Q-When were you married? A-When was I married?

86 Q-Yes sir? A-I was married in '[illegible].

87 Q-Was it a practice that was universally followed
in [illegible] by all those who claimed to be members of
that church there? A-Yes

108 Q-
What year did you say it was they went to Utah?
A-I [illegible] there was a large emigration went there in
'47,-that was the time that I think most of them went
[illegible].
109 Q-Do you know what one of the Twelve went there as
[illegible] A-Well I have seen them there quite a
[illegible] most all of them were
[illegible] I think that out of all of
[illegible] population of [illegible]
[illegible],-they did not go- [illegible] I don't
[illegible] at that time.
110 Q-[illegible] there was her? A-[illegible] sir,-I
[illegible] girl [illegible] there [illegible]. I did-
[illegible],-[illegible] of the [illegible] years [illegible] I know all
[illegible] there
111 Q-[illegible] A-[illegible]
112 Q-[illegible] A-I [illegible] in '57.
[illegible] A-I [illegible]
[illegible] but
[illegible]
114 Q-[illegible]
[illegible] in
115 Q-[illegible]
116 Q-[illegible]
117 Q-[illegible] A- O Utah?
118 Q-[illegible]
119 Q-[illegible] not the [illegible] of a [illegible]
[illegible]
120 Q-[illegible] -That is the [illegible]
[illegible]
121 Q-[illegible] A-Well they [illegible]
[illegible] in the [illegible] of
122 Q-[illegible] A- Old Devon
[illegible] and they are the one [illegible] in
[illegible] anointing, and then there [illegible]
123 Q-[illegible] the place of [illegible]
[illegible] of the [illegible] in Utah? -Yes
[illegible] of the [illegible] that [illegible]
[illegible] city.
124 Q-[illegible] in Salt Lake City [illegible] Q-In
[illegible] as they called it.
125 Q-[illegible] specially for the [illegible] of
[illegible]? A-Yes sir.
126 Q-[illegible] for that service entirely? -Yes
[illegible].
127 Q-Do you [illegible] that the moment that [illegible]
[illegible] shine of the [illegible] and the sealing of
[illegible] to life [illegible] or eternity? A-Yes sir.
128 Q-[illegible] -That is the [illegible]
[illegible] to a man's wife [illegible]
[illegible] or eternity? A-Yes sir.
130 Q-[illegible] that constituted that sealing? A-Well
[illegible] that ceremony, but it was sealing
in the name of the Lord Jesus Christ, for time and all
as for eternity.

I3I Q-That was all there was to it? A-Yes sir.
I32 Q-Now were there any other obligations beyond it? A-No there was nothing more,any more than sealing for time and eternity. That was all there was to it.
I33 Q-It related purely to matrimonial affairs? A-Yes sir.
I34 Q-And that was all the endowment that Wight gave the people? A-Yes sir,that was all theendowment that he gave us.
I35 Q-Well now when did you first hear of endowments being practiced in the church?
Counsel for the defendants objects to the question asked the witness an the ground and for the reason that it is incompetent,irrelevant and immeterial,and not proper direct examination.

I36 Q-Answer the question? A-'48 was the first time I heard of it.
I37 Q-That was after the death of Joseph Smith,the Seer? A-Certainly. He died in '44 and this was in '48.
I38 Q-Where were you at that time? A-At the time of the death of the prophet?
I39 Q-No sir,-at the time that you first heard of the endowments? A-I was in Texas.
I40 Q-Well while you were a resident of Nauvoo did you hear or know anything about it at that time? A-No sir.
I4I Q-Had you ever heard of it at that time that you were a resident of Nauvoo or before the time that it was revealed to you by Lyman Wight in Texas? A-No sir, no further than I heard there was an endowment of the Spirit at Kirtland. That was in '35 as I understood it,but I had never heard anything about its being practiced in Nauvoo.
I42 Q-What was the endowment that you heard of being practiced in Kirtland? A-Well the first endowment was the washing of feet,and the endowment with power, that elders might go forth with great power to preach the word.
I43 Q-That was an endowment that was given to whom? A-To the elders.
I44 Q-So the endowment at Kirtland was given to the elders? A-Yes sir,that was my understanding.
I45 Q-Through the holy spirit? A-Yes sir.
I46 Q-Then afterwards the next you heard of it was through Lyman Wight in Texas? A-Yes sir.
I47 Q-Where it was applied to the marriage relation? A-Yes sir.
I48 Q-Well then you went to Salt Lake City,~~xxxxxx~~ or to Utah,and there you found the ordinance as it is called of endowments in force only with a greatly extended application? A-Yes sir.
I49 Q-Were the endowments in Texas conferred secretly? A-No sir,there was nothing secret about it. Not in the endowments,-they were not secret under Wight.
I50 Q-They were conducted openly? A-Yes sir,openly,and all had the privelledge of seeing them performed. Every one could go who felt like going.
I5I Q-Well now was that the case in Salt Lake city? A-No sir.
I52 Q-What was the difference? A-In Salt Lake City it was done secretly and no one was permitted to see it only the officers,and the ones taking the endowments.
I53 Q-No one was admitted only the participants,and those ~~I54~~ officiating? A-No sir.
I54 Q-Were any people present in Salt Lake City at the conferring of the endowments,and those officiating? A-No sir,that is what I stated before.

I55 Q-Why was that the case?
Counsel for the defendants objects to the question asked the witness on the grounds and for the reasons that it is irrelevant and immeterial and calls for an opinion of the witness.
A-Why simply behause no one else had any business there,and they were not permitted to be there. Now that was the rule at the time I received mine at least,but of course I don't know what happened afterwards.
I56 Q-That was the rule at the time you received your endowments? A-Yes sir.

I57 Q-Who perfommed the ceremony at the time you received your endowments? A-Well Wilford Woodruf he did the annointing and washing,and Brigham Young he did the sealing. They both had a hand in it.
I58 Q-Well at the time you received them in Texas I am talking about? A-Well Lyman Wight and my father,-Lyman Wight did the sealing,and my father was an high priedt in the church in Old Joseph't time,and he did done the washing of the foet and annointing of the head.
I59 Q-That is who performed the ceremony at the time you received your endowments in Texas? A-Yes sir.
I60 Q-Now who performed the ceremonies at the time that you received your endowments in Salt Lake City? A-Well that is what I told you.
I6I Q-Wilford Woodruf and Brigham Young,-is that who you said conferred the endowments? A-Yes sir,between them they did.
I62 Q-That was at the time the endowments were conferred upon your self and Wight? A-Yes sir,Wilford Woodruf did the annointing and washing,and Brigham Young the sealing.
I63 Q-Were you and your wife both present at the same time? A-We were in different rooms while we were washing and annointing,but when we were sealed we were together.
I64 Q-When you were sealed you were together? A-Yes sir
I65 Q-But when you were washed and annointed you were not together? A-No sir,that is the way it was,when we were washed and annointed we were seperated,but when we were sealed we were together.
I66 Q-How was it when you were endowed in Texas with reference to your being seperated then? A-No sir we were not seperated there but it was only the washing of the feet there.
I67 Q-What was your father's full name? A-Pierce Hawley.
I68 Q-Pierce Hawley? A-Yes sir.
I69 Q-Where did he live at that time? A-At what time?
I70 Q-At the time of this endowment in Texas? A-He lived right there with the company in a litt le town.
I7I Q-That was in Texas? A-Yes sir.
I72 Q-Did you ever attend church at Nauvoo? A-Oh yes,-you mean church services?
I73 Q-Yes sir? A-Yes sir,I have attended them many a time.
I74 Q-You did? A-Yes sir,my father lived there right near Montrose,that was in Iowa,but we often went over on the Sabbath to Nauvoo and attended church.
I75 Q-Well now at the time you were a teacher,and attended church at Nauvoo,was there any such a thing then taught or practiced in the church as endowments,or the endowment you have spoken of? A-No sir.
I76 Q-There was not? A-No sir. I heard nothing of that kind taught at all there at Nauvoo.

I77 Q-When was it that you attended church meetings at Nauvoo? A-That was from '4I to '44 that we attended these church services or meetings there at Nauvoo. It was while we lived over at Zarah Hemlah near Montrose.

I78 Q-It was during the years from I84I to '44 that you went there to meetings? A-Yes sir,we often went over during that period.

I79 Q-If there was any such a thing practiced as the endowments such as you have spoken of in the church there at Nauvoo during this period from I84I to I844,did you ever hear of it? A-No sir I never did, and I don't think there was.

I80 Q-It was in I848 that you first heard of it? A-Yes sir.

I8I Q-You never heard of any thing of the kind until I848? A-No sir.

I82 Q-Now in Salt Lake City was there any such a thing known as the ordinance of the endowment being administered to any one,who had not been joined in matrimony as an husband and wife? A-I could not tell you. I only know positively what i saw and experienced myself,and I don't know positively the limitations they put on the administration of that ordinance. I could not tell you how that was for at the time I went to Utah I heard of a good many things being taught and practiced there,but at the time I was in Texas and the Indian Territory,of course I don't know anything about what was going on in Utah.

I83 Q-Well I am talking now about what was going on in Utah at the time you were there,-at the time that you were endowed? A-Well I know something about what went on there after I got there of course.

I84 Q-In reference to the endowments I mean? A-Yes sir.

I85 Q-Well I will repeat my question,-re ad the question to the witness.

The Notary hereupon reads to the witness question number "I82",as follows,-"Now in Salt Lake City,was there any such a thing known as the ordinance of the endowment being adminiatered to any one,who had not been joined in matrimony,as husband and wife? A-Yes sir there was several went through and got their endowments,-single men I mean.

I86 Q-They were single men? A-Yes sir.

I87 Q-Un-married men? A-Yes sir.

I88 Q-Well then what had that to do with sealing for eternity,-husband to wife,and wife to husband? A-What had they to do with that?

I89 Q-Yes sir? A-They did not receive that ordinance. That ordinance was not administered to them. They were annointed,and when they got their wives if they ever did get them,then they got the rest of the endowment then.

I90 Q-Well that was the way it was done in Utah? A-Yes sir,that is the way.

I9I Q-Well was the same thing practiced in Texas with reference to single men? A-No sir not to my knowledge

I92 Q-Or single women ei ther? A- No sir,not that I ever heard of.

I93 Q-In Texas it was just confined exclusively to husband and wife? A-Yes sir,to-husband and wife.

I94 Q-How long did you remain in Utah? A-I went there in '56 and came away in '70.

I95 Q-You went there in I856? A-Yes sir.

I96 Q-And came away in I870? A-Yes sir.

I97 Q-You were there about fourteen years? A-Yes sir,-about that time.

I98 Q-When did you first hear of the practice of polygamy or its being practiced in the Mormon church? A-The first indications that ever came to my knowledge was when,-was in '45.

I99 Q-In I845 did you say? A-Yes sir. It was in Wisconsin.

200 Q-That was in Wisconsin? A-Yes sir.

20I Q-What time,-you were in Wisconsin twice,and which of these times was it? A-It was after we moved there the second time,-after we went back there the second time from Nauvoo.

By Mr Southern,-

202 Q-That was where you first heard of polygamy or plurality of wives? A-Yes sir.

By Mr Traber,-

203 Q-At what place in Wiscons in was that? A-Wait a moment and I will tell you,-(witness reflects)it was at Prairie LaCrosse.

204 Q-Was that Wisconsin then? A-Yes sir.

205 Q-Was there an organization there at that time?,***

a church organization? A-Yes sir.

206 Q-What was the organization? A-Woll Lyman Wight was there with his little band of saints.

207 Q-Lyman Wight was the head of the organization of the church there at that time? A-Yes si r.

208 Q-Did he go from Texas there? A-No sir.

209 Q-Where did he go from to that place? A-He went from Nauvoo to Wisconsin.

2I0 Q-Oh yes,and from Wisconsin he went to Texas? A-Ye s sir.

2II Q-And his organization went with him? A-Yes sir,-most of them did.

2I2 Q-Where were you when you first heard of the practice of polygamy at LaCrosse? A-Well I don't know that we were just there. We were on the move at that time It was in the summer of '45 and we were on the move for Texas,and Lyman had performed the ceremony we

understood afterwards,and had sealed a young lady with us to a man that had another wife. Lyman Wight had just done it a short time before that. I know this is so for at the time I was paying my regards to the young lady myself,and I did not know for some time that she was another mans wife. I did not know that until I found it out afterwards. We were on the move for Texas at the time and when we got down a bout to Davenport,there was where I came into the possession of the knowledge that she was another mans wife,and of course I dropped her mighty quick. Now that was the first intimation that I had that there was anything of the kind practiced,-for that was the first case of spiritual marriage that ever came to my knowledge.

2I3 Q-Now that you understood to have been a spiritual marriage? A-Yes sir,-spiritual wife marriage as it is termed.

2I4 Q-Well now is it a necessary and logical sequence,if they were spiritually-married that they would practice polygamy? A-No sir. They were spiritually united,they said that they were in polygamy,as well as those that were not(???)). The understanding was that they would enjoy the same glory as the others, but the ones that had more wives would enjoy a greater portion of it.

2I5 Q-The man that had more than one spirituan wife would enjoy a greater measure of glory than the man would that had only one? A-Yes sir.

2I6 Q-Well do you mean spiritual,or other wise? Joined Spiritually or other wise? A-They were to enjoy the glory hereafter,-the

glory which was in eternity would be greater.

217 Q-Well do you mean that would be applicable if they practiced polygamy? A-Yes sir.

218 Q- How do you know that? A-Well that is what Lyman Wight told us,that is what he told us.

219 Q-Did he teach it im Texas? A-Yes sir.

220 Q-Did he practice it there? A-Yes sir.

Mr Southern,-"I am not objecting to any of these questions". "They might be objectionable,but I am not objecting to any of them you see". The answers suit me too well to do that".

By Mr Traber,-

221 Q-No,if they were prior,-if they referred to a time prior to 1844 you would".

By MrSouthern,-"I rather think I would not,for I would as soon have it in '44 as any other time".

By E.L. Kelley,-?Yes,you would rather have it then I know,-but you can't get it then for it did not exist then"

By Mr Traber,-

222 Q-According to your understanding who was it first taught and practiced polygamy in the Mormon church? A-Lyman Wight.

By Mr Southern,- "Well now that last answer and the question I must I think object to,-particularly to the question.It calls for an opinion of the witness. I do not object though particular but I do object to the method of examination."

By Mr Traber.-

223 Q-Did you know Smith the Seer? A-Yes sir I was pretty well acquainted with him.

224 Q-When did you become acquainted with him,-during that period of time were you acquainted with him? A-Well I was pretty well acquainted with him from '38 to '43. I was acquainted with him pretty well during that time.

225 Q-Were you at Nauvoo when he was killed? A-No sir I was absent in Wisconsin at that time on that lumber expedition,and I did not return from the expedition, until after 1844.

226 Q-When did you say you were ordained a teacher? A-I was ordained a teacher in '42.

227 Q-Well now if polygamy had been taught and practiced in the church at that time in Nauvoo or any where else,would you have been likely to have heard of it? A-Yes sir,I think I would".

228 Q-Would you have been likely to have heard of it? A-I think so. Now I have my reasons for thinking so, and they are these. My father was one of the first elders in the church,and if he had heard of any such a thing I think he would have said something about it and we would all have heard about it.

229 Q-And you say you did not hear of it,-that is of the teaching or practice of polygamy prior to the death of Joseph the Seer? A-No sir.

230 Q-Did you ever know of Joseph the seer teaching, preaching or practicing polygamy? A-I never did. No sir,never.

231 Q-That is all,-no it is not either,-I have another question to ask you,and it is this,-Did you ever hear of any one else during the life time of Joseph Smith teaching or practicing polygamy? A-No sir,the first I heard of it was in '45,and I never heard of it before that time by any body.

232 Q-I now hand you plaintiffs exhibit ?D",on the title page of which appears the following,-"A few choice examples of Mormon practices

and sermons",and I will ask you whether or not you re cognize the cuts of the garments and implements, contained within the first 8 pages,as being of the charactor and description used in the ordinances of the endowments at the time you were endowed? A-In Texas do you mean?

233 Q-No sir I ask you if you recognize them as the garments and emplements that were used in the endowment ceremony at the time that you were endowed at Salt Lake? A-I have not used them or seen them since '70 but I recognize this garment on the first page here. I recognize this garment on the first page here,as being the complete garment with sleeves and dress and all.

234 Q-You recognize that garment on the first page? A-A-Yes sir.

235 Q-As being the same as the garment that was used in the endowment house at Salt Lake at the time you received your endowments there? A-Yes sir.

236 Q-I will ask you if you-recognize the aprons and the emblems on the aprons as shown on page two of the exhibit? A-Yes sir I recognize it.

237 Q-Is there anything peculiar about it that brings it back to your recollection? A-Yes sir,I remember the leaves there on the apron. I remember that sir very well. Yes sir,that was the form of the apron worn.

238 Q-That was used at the time of the endowment at Salt Lake? A-Yes sir.

239 Q-At that time,-at what particular stage of the game is it used? A-At the time of sealing it is used.

240 Q-Now I will ask you if you recognize the diagram showing the endowment house with compartments,as indicated on pages four and five? A-Well I don't know that I can recognize the building with all its forms and compartments,but still I remember that it had a good many departments,-a great many departments.

241 Q-Did it have a reception room? A-Yes sir.

242 Q-Did it have a stair way to the veil? A-Yes sir. It had a very small stairway. It was all pretty much on the ground though.

243 Q-Did it have dressing rooms? A-Yes sir.

244 Q-And washing rooms? AYes sir.

245 Q-And I believe you stated there was a reception room? A-Yes sir.

246 Q-Was there a prayer circle? A-Yes sir.- There was a prayer circle.

247 Q-And an altar? A-Yes sir.

248 Q-Did it have this square room here,marked"Peter", "John","James", ,"altar",and "world"? A-Well this is intended to repre sent the three apostles,Peter John and James,is it not?

249 Q-"Peter",John and "James" ,it is there? A-Well that is right.

250 Q-What did that mean to represent? A-It represented the Melchisedical priesthood that they held.

251 Q-Well now I have here marked. I see on the drawing that is designated at the number four.-that that point is designated as the"Garden of Eden". Now what, if anything,do you know about that compartment,and what was it used for,if anything? A-The garden of Eden part of it was more fully practiced and carried out when I received my endowments. when I received mine there was only an offering made,and the ones it was offered to would receive it,and we expected that for ~~xxxxxxx~~ accepting it they would be ca st out as a representation of the truth.

252 Q-Do you mean that as "accept" or "except"? A-Accept"

253 Q-"Accept"what? A-Accept the fruit that woulf be offered to them. I mean the ones that would partake or accept of the fruit would be cast out as Adam was. That would be done,and the ma n would be cast out, and then you would go out with your wife.

254 Q-You would both be cast out? A-Yes sir.

~~255 Q-Now there is another drawing indicating a room which is entitled Heaven? A-Yes sir.~~

255 Q-Both the man and the woman? A-Yes sir.

256 Q-Now there is another drawing indicating a room which is entitled Heaven? A-Yes sir.

257 Q-And here is the "marriage register table"? A-Well I suppose that is where the sealing took place before the altar. That was the altar where we were all sealed for time and eternity,-the jumping off place so to speak,-that is what they called it.

258 Q-Called what? A-They called that altar where they were sealed the "jumping off" place,-that was in the last room,and was the last act about.

259 Q-Well what is the room below it with the square and compass marked"instruction room",-what was done there A-Well the name indicates what it was. It was a room that we received general instruction in.

260 Q-Of what did that instruction consist? A-It consisted of the garmentsand robes,and instructing people how to wear them,-the under garments to-be worn continually,and the robe that was worn at the time of the prayer circle was to be the same as the one that you were to be buried in.

261 Q-How is that? A-If you died you were to be buried in a robe like the one we wore at the time we were sealed.

262 Q-You do not call that a robe? A-No sir.

263 Q-What do you call that? A-That is a garment.

264 Q-I mean this one on page one? A-No sir, That is not a robe,-that is a garment.

265 Q-In what manner was the robe constructed? A-I don't know that I would be able to explain that.

266 Q-Do you recognize the drawing on page six of the exhibit as a re-production of the robe that was worn on that occasion? A-Yes sir for I remember the bows here on the side. That is the robe I recognize it, for it was a robe that came down over your shoulder and down that way,and had a bandage across.

267 Q-Where was that worn? A-I recognize that as the robe that was worn out side of the garments.

268 Q-On page seven I find a representation of a woman's cap,a moccasin,and a man's cap? A-Yes sir.

269 Q-Do you recognize these as any part of the paraphenalia that was used on that occasion? A-Yes sir.

270 Q-When were they used? A-At the time of the sealing these were worn.

271 Q-Now I will ask you whether any of these which you have seen,-these re-productions of robes and garments and emblems that I have shown you,and which you have testified about,were used in the endowments in Texas under Wight? A-We had a garment in Texas,but it was not like any of these. The robe was nearer like the robe used in Utah,but it was not exactly like it,but the garment was not like the garment in Utah at all.

272 Q-Was that the only thing that was used in Wight's endowment? A-He had a robe.

273 Q-Well the robe was the only thing that was used? A-No sir for he had the veil and the caps.

274 Q-Wight did have them? A-Yosssir.
275 Q-Such as are represented ~~xxxx~~ there? A-Well perhaps pretty much the same. I would not be positive but possibly they were pretty much the same,-but as I said I can't be positive about that. It has been a great many years since I saw these things in Texas,-half of a mens life time,and more,and so I can't remember about that,but it is my impression now that they were pretty much the same as they appear there. It has been a long time since I have had anything to do with this endowment business,and I have not tried to think about it,-on the contrary I have tried to get it out of my mind.
276 Q-When did you leave Salt Lake did you say? A-When did I leave Utah you mean?
277 Q-Yes sir? A-I left there in the year '70.
278 Q-During all the time you were there,were you a member of the church in Utah? A-Yes sir.
279 Q-You were not a member of the church during the time that you were there? A-No sir.
280 Q-You are not a member of that church now? A-No-sir
281 Q-Of what church are you a member at the present time A-The church of Christ denominated the Re-organized church.
282 Q-Do they have any endowment of that kind in the Re-organized church of which you are now a member? A-No sir. If they have I never have seen it or heard of it.
283 Q-Do they teach anything of the kind? A-In the re-organized church?
284 Q-Yes sir"? A-No sir,-not to my knowledge.
285 Q-In the endowment that was conferred at Salt Lake, you may state whether or not there was an oath required of the parties who received the ordinance? A-I think my testimony is to that effect already.
286 Q-To what effect? A-To the effect that there was an oath required,-there was an oath required,-the oath that was required was to avenge the blood,or the death of the prophet.
287 Q-Was there any such an oath,or any oath at all required in the administration of the endowments under Lyman Wight? A-In Texas?
288 Q-Yes sir? A-No sir,-no such an oath was required at all. There was nothing of the kind required.
289 Q-When and under what circumstances did you sever your connection with the Mormon church in Utah?~~xx~~ A-I severed my connection with them in the year of '70.
290 Q-In the year 1670? A-Yes sir,and that was the year I came out from there.
291 Q-You came from Utah at that time? A-Yes sir,I left there that year.
292 Q-What was the occasion of the severence of your connection with that organization,if you are permitted to tell what it was? A-Well the occasion was ~~xx~~ that the doctrine taught there was not in keeping with that which is written in the inspired books, or the books that we acknowledged to be the inspired books,which are the bible the book of Mormon and the book of Doctrine and Covenants.
293 Q-You left because the doctrines and teachings of the church in Utah did not conform ~~xxxx~~ to the doctrine set forth and taught in those inspired books A-Yes sir.
294 Q-Well did they differ at the time you went there, from what they were at the time you went there?

A-No sir,I think they were presented about the same. I am not positive about that however,but there was one doctrine and hat was about Adam being our God,- I can't say about when that was introduced,-that is something I can't state,but that was a doctrine that I never agreed with,and could not accept, for the reason that I could not understand how he could be our God and have fallen under condemnation the way he did; but nevver that was Brigham Young sent a proclamation to that effect out to the people,but whether it was in '52 or '54 or '56 I could not say. I could not say as to the time,for I could not answer as to the time. At any rate I objected to that doctrine,and would not accept it.

295 Q-That was one of the doctrines you seriously objected to? A-Yes sir,and I would not accept it,for it was one of the doctrines I objected to,and polygamy was the other.

296 Q-When you went where were you re-baptized? A-Yes sir.

297 Q-Where were you baptized before you went there,if all? ~~Q-And~~ at all? A-I was first baptised out North of this in Ray county in '37.

298 Q-That was when you first joined the church? A-Yes sir.

299 Q-Well what was the occasion of your re-baptism in Salt Lake City? A-Well it was supposed that the people in crossing the plains at that time,would naturally committ sins,and they considered it was beneficial to be re-baptized.

300 Q-Were all that went there to Salt Lake re-baptized? A-~~Yes~~ It was the common practice of all that went there to be re-baptized.

301 Q-That was on the theory that it was the next thing to an impossibility to go across the plains without doing some little sin I suppose? A-Yes sir,for the reason I presume that the trip across the plains in those days was one fraught with a great deal of hardship,worry and trouble,and it was supposed that it was impossible for any one to make the trip,and under-go all these ~~worrinnxx xxx~~ difficulties and worriments without committing some sin,and therefore they had better be baptized when they arrived there,and that was what was done.

302 Q-Was the ordinance of baptism the same? A-Yes sir.

303 Q-The same as was originally conferred? A-Yes sir, it was all just for the re-mission of sins.

304 Q-For the remission of sins? A-Yes sir.It was all for the re-mission of sins as I understood it.

305 Q-Now I will call your attention to what is said to have been the oath required to be taken,or to have been taken I should say,-In the endowment in Salt Lake City? A-Yes sir.

306 Q-Was it as set out on page six of the exhibit here to fore shown you? A-Let me see it.

307 Q-I now hand you the exhibit that contains what I have called your attention to,and I will ask you to read it if you can find it here,-that is to read the oath that you were required to make in Salt Lake City if you can find it here? A-I don't remember of taking any oath only to avenge the blood of ~~xx~~ Joseph the Martyr,and of his brother Hyrum Smith. I find it here to teach your children so and so. Now it might have all been in there at the time I took it but if it was I don't remember it. Now it is just this way,I am satisfied from what I had heard before I took my endowments that there were many things done in the endowment house at one time that were not done at the time I received mine. I am satisfied of that fact.

308 ~~Q-Do.xxx xxxxx~~ ~~before you received your endowments~~
Q-Do you mean before you received your endowments or afterwards? A-Before.

309 Q-That were done,-many things were done in the endowment house before you received your endowments,that were not done afterwards? A-Yes sir.

310 Q-Do you recognize that in the exhibit which I have handed you as the oath you did take? A-Yes sir,I recognize it,but I can't say that I took it at all. I recognize parts of it all right though.

311 Q-You recognize it? A-Yes sir. That is what I said.

312 Q-Well now would you be kind enough to read it to the Notary? A-"We were then made to swear to avenge the death of Joseph Smith the martyr,together with that of his brother Hyrum,on this American Nation,and that we would teach our children and children's children to do so. The penalty for this grip and oath was dis emboweliment". Now I recognize the part ~~xxxxxx~~ of it that we took to avenge the death of Joseph Smith and his brother Hyrum,~~xxxx~~ and it may be that I took it all,for I hardly ever did anything on the halves when I was there,but if I did take all of it I do not remember,but as I said before it is altogether probable that I took it all.

313 Q-Now then read the part of it after the part that you say you recollect taking? A-"On this American Nation,and that we would teach our children and our children's children to do so". I presume I took that oath but if I did I don't recollect it. "It goes on as I read before and states that the penalty for this grip and oath was dis emboweliment,-I don't recollect that,although I suppose there was a penalty attached to the oath,but I don't recollect that part of it although it is probable that that was it,and I took it.

314 Q-Cross examine the witness.

Cross examination by Mr Southerk,-

315 Q-You say you belonged to the original church? A-Yes sir.

316 Q-You were baptized into the original church? A-Yes sir.

317 Q-At one time you belonged to the church in Utah? A-Yes sir.

318 Q-And left that church about the year-1870? A-Yes sir,that was the time I left them and left Utah ~~xxx~~ at the same time.

319 Q-How when did you become a member of the re-organized church? A-It was in Utah.

320 Q-I did not ask you where you became a member of that church,I asked you ~~wxx~~ when you became a member of it? A-In 1870.

321 Q-You became a member of the plaintiff church in this case,which ~~whix~~ is the re-organized church in 1870? A-Yes sir in'70.

322 Q-And that was in Utah,-it was in Utah that you joined the reorganized church? A-Yes sir.

323 Q-When did you leave Utah? A-In the fall.

324- Q-In the fall of what year? A-In the fall of that same year that I joined the church I now belong to which was in the fall of 1870.

325 Q-That was in the fall after you became a member of the plaintiff church? A-Yes sir.

326 Q-Well how long was it after you became a member of the re-organized church that you left Utah? A-Well it was probably about four months. May be something like that.

327 Q-Where did you go then ? A-After I left Utah?

328 Q-Yes sir? A-Well sir I went into Iowa.

329 Q-How long did you stay there? A-Well I statyed there eighteen or nineteen years I guess.

330 Q-At what point in Iowa did you stay eighteen or nine-teen years? A-It was in Shelby County.

331 Q-Well were you a member of any church there? A-Yes sir.
332 Q-Of what church were you a member? A-I was a member of the re-organized church there.
333 Q-That was in Shelby County,Iowa? A-Yes sir. I was a member of the re-organized church all the time I was there,and have been ever since.
334 Q-At what point in Shelby County,Iowa were you living A-At Gallands Grove.
335 Q-Have you left there? A-Yes sir.
336 Q-When did you leave there? A-I left there,-let me see when it was,-I moved down into Missouri,-well I think I have been in this state going on to four yea-rs.
337 Q-Where abouts in Missouri do you live? A-In Worth County.
338 Q-At what point in Worth County,Missouri do you live? A-Well it is in the western part of the county.
339 Q-Are you a member of the re-organized church there? A-Yes sir.
340 Q-Of what church are you a member there? A-The church of Christ denominated the re-organized church.
341 Q-Is there any branch there? A-Yes sir.
342 Q-Of which you are a member? A-Yes sir.
343 Q-What branch is that? A-The branch of Sweet Home,-the "Sweet Home" branch.
344 Q-And you reside there now? A-Yes sir.
345 Q-When did you come here? A-I came here yesterday evening.
346 Q-Upon whose application did you come here? A-On S.H. Kelleys suggestion.
347 Q-Was it a suggestion or a request? A-He asked me to come here. He suggested me to come here.
348 Q-Now when you were in Salt Lake City you say you took certain endowments? A-Yes sir.
349 Q-I believe you say when you took these endowments the out side world was excluded? A-Yes sir.
350 Q-It was done in secret? A-Yes sir.
351 Q-Now were any body but gentiles excluded from the place at the time these endowments were given? A-Yes sir it was closed to every body but the ones that were in there taking their endowments.
352 Q-None but the ones who were receiving their endow-ments were permitted to remain? A-No sir. Just them and the ones who officiated?
353 Q-Was any body entitled to be there,but those? A-No sir,no one to my knowledge.
354 Q-Were there any sentinels posted to keep out intrud-ers"? A-I cannot tell you, but I don't think there was any occasion for that.
355 Q-Well were there any door-keepers? A-Well there might have been,but I don't recollect that there was. There might have been but I did not notice them for I had toomuch to tend to to notice anything like that
356 Q-Do you know whether the doors were locked or not? A-No sir.
357 Q-Is that what you mean,that you don't know whether the out side door was locked or not? A-No sir,I dont know.
358 Q-Were you directed not to disclose the method of the endowments? A-Yes sir.
359 Q-Did you agree not to do it? A-Yes sir.
360 Q-You agreed not to do it? A-Yes sir. I did in certain places. I was only to do it in certain plac-es.
361 Q-Only in certain places? A-Yes sir.

Wasxonexofxthexxxplacexxxxhxexxxtxxxculdxbexdivulgedxxxcourt
362 Q-Was one of these places where it could be divulged, a court room where depositions were being taken? A A-No sir.
363 Q-That was not an exception? A-No sir.
364 Q-When you were living in Salt Lake City, would you have disclosed the method of these endowments?
Counsel for the plaintiff objects to the question asked the witness on the ground and for the reason that it is immeterial.
A-No sir.
365 Q-When you were living in Salt Lake City, you would not have disclosed the method of these endowments? A-No sir, not when I was a member of the church. I would not have done so when I was a member of the church.
366 Q-You say that you would not have disclosed them while you were a member of the church? A-No sir.
367 Q-A member of what church? A-The Utah church.
368 Q-Then you kept your promise or obligation while you were a member of the Utah church? A-Yes sir.
369 Q-And when you left it and joined the re-organized church you violated your promise did you? A-Yes sir. More so here than any where else too.
370 Q-What do you mean by "more so here than any where else"? A-I mean that I have told more about it here than I have any place else, for I have said but little about the endowments.
371 Q-Then you have violated your obligation more so here than at any other point? A-Yes sir.
372 Q-So you have violated the agreement that you entered into there not to violate or reveal the obligations you took at the time of the taking of these endowments, more to day than you ever did before? A-Yes sir.
373 Q-That is more than at any other time since you have joined the re-organized church? A-Yes sir, and more than at any time before I joined it.
374 Q-And the penalty for a violation of that obligation was disembowellment was it not? A-Yes sir. The penalty was disembowellment.
375 Q-Is that the fact? A-What is that?
376 Q-Was that the penalty for revealing or disclosing those secrets? A-Yes sir.
377 Q-Well what were the secrets which you were not to reveal? A-The grips and tokens of the endowments,- the grips and tokens of the priest hood.
378 Q-And the obligation was that they must not be disclosed? A-Yes sir they were not to be disclosed. They were not to be div ulged at all and that was the penalty that was attached.
379 Q-Under what penalty? A-The penalty of disembowellment.
380 Q-Now before you received these endowments, did you swear before you received them that you would not divulge them? A-Yes sir, when I took these endowments I took that oath.
381 Q-Did you take an oath that you would not divulge what you were then receiving? A-Yes sir, I have told you that half a dozen times, and that ought to do.
382 Q-All who were taking the endowments took the same oath, and you were amongst the number? A-Yes sir, we all took it,-I amongst the rest.
383 Q-You were a little in doubt as to whether you took that oath when you were first shown it, were you not? A-Yes sir, and I don't

remember now that I took all that oath,-that is I don't remember positively about it,but I think I did

384 Q-Well you said that you did not make any holes of any thing in those days? A-Yes sir,I generally saw the thing through.

385 Q-And therefore you took that oath? A-Yes sir.

386 Q-You took the whole thing? A-Yes sir.

387 Q-And you kept the obligation while you were living in Salt Lake City? A-Yes sir,I certainly kept the obligation while I was there.

388 Q-You left that church because you did not approve of some of its precisions and teachings? A-Yes sir.

389 Q-Now with reference to the revealing of this obligation,-were you a better man while you lived there in Utah,and did not reveal it,or were you the better man when you came down here to Missouri and reveal it?

Counsel for the plaintiff objects to the question asked the witness on the ground and for the reason that it is incompetent,irrelevant and immaterial,and calls for an opinion of the witness.

390 Q-Answer the question? A-I think I am a better man now,because I have out grown these secret binding practices,that are put on men irreligiously.

391 Q-Is there anything you know of that compels you to disclose that oath? A-No sir.

392 Q-There was nothing that compelled you to divulge or disclose that oath? A-No sir there was nothing to compel me to divulge anything. I don't recognize any obligation to disclose anything at all,-there was nothing said about that.

393 Q-Neither then at the time you took this obligation, nor at any other time? A-No sir.

394 Q-What age were you when you took these endowments in Salt Lake? A-What age?

395 Q-Yes sir? What was your age at the time you took these endowments in Salt Lake? A-Well that was in '57 that I took the endowments,and that,-I was born in '26. Yes sir that is right, -I was born in '26 and I took the endowments in Utah in '37.

396 Q-You were a full grown man? A-Yes sir.

397 Q-At the maturity of all your powers? A-Yes sir.

399 Q-How many children did you have,or did you have any? A-I had three children.

400 Did you have your wife take those endowments? A-Yes sir.

401 Q-You both took them at the same time,-is that the fact? A-Yes sir.

402 Q-Well after you took them,as you say you took them in 1857,you remained a member of the same church that administered these endowments until 1870? A-Yes sir.

403 Q-Did you know that the church all that time practiced polygamy? A-No sir.

404 Q-You did not know that it practiced polygamy? A-No sir I did not know it.

405 Q-Well did it in fact? A-Practice polygamy?

406 Q-Yes sir? A-I heard it did.

407 Q-Well did it in fact practice polygamy? A-I supposse pose it did. I heard it did.,and I have no reason to doubt the fact.

408 Q-But you did not practice it? A-No sir. I did not

409 Q-Well did you know any body else that belonged to the church and that did not practice it?
A-A great many people belonged

378 Q - You had a wife and children, Mr. ? A - yes, sir.

to the Utah church that did not.

410 Q-Did not what? A-Did not practice polygamy.

411 Q-About how many men,-how many members belonged to the church at the time you were living there,-say at the time you left? A-What time?

412 Q-Say in 1870? A-Well I could not say. I could not tell you.

413 Q-Did the greater portion of the membership of the Utah church while you were a resident of Utah and a member of that church, practice polygamy? A-No sir. I don't ~~kn~~ think there was anything like the greater portion of them practiced it. I was acquainted with a great many that did not practice it I know.

414 Q-You knew a great many that did not practice it? A-Yes sir.

415 Q-How about your being acquainted with people that did practice it? A-Well I was acquainted with some.

416 Q-Some people that practiced polygamy? A-Yes sir.

417 Q-About how many people were you acquainted with that they said practiced polygamy? A-Well I was acquainted with a great many men that they said had more wives than one.

418 Q-Who said it? A-The men that had the wives.

419 Q-How many of that class were you acquainted with? A-Well I was acquainted with a good many of them".

420 Q-With how many men were you acquainted that it was said had more wives than one? A-Well I could not tell the number.

421 Q-That was when you were living in Utah? A-Yes sir.

422 Q-Well you did not object very seriously to polygamy then did you? A-Yes sir I did. I objected to the secrecy of it. I never liked or approved of the idea that it was practiced, and that was one of the reasons -the main reason I may say,-that I left the church.

423 Q-You objectedto the secrecy of it, but you did not object to the practice of it? A-I have answered that My answer to that is that I objected to the prac tice of it at all in any way.

424 Q-Did you regard it as a heinous sin? A-At that time

425 Q-Yes sir? A-Yes sir, and I don't know that I did.

426 Q-How did you regard it from a religious stand point? A-From what was written in the standard books of the church I saw that it was condemned by these standard books, and therefore I did not approve of it. I saw that it was not approved, and therefore I did not approve of it, and I objected to it for that reasons, and because I considered it did not tend to good morals.

427 Q-At what time did you understand that the Utah church practiced polygamy at first? A-What is that?

428 Q-When did you first understand that the Utah church practiced polygamy? A-Well it was only hearsay with me, but I understood that it was about from the year '45.

429 Q-Is it not a fact that a great deal of this you have been testifying to here about what the church was only hearsay? A-Yes sir, a good deal of it, but not all of it by any means.

430 Q-Well then what did you understand from hearsay that the church ~~first practiced polygamy in~~ in Utah first practiced polygamy? A-Well from hearsay we heard in Texas that they practiced it in Nauvoo.

431 Q-And when you head that you left Texas and went there? A-No sir.

432 Q-You did not? A-No sir.

433 Q-Is that not what you stated on your direct examination? A-No sir. I said I started from Texas and went to the Indian Territory.

and was there a while,and then from the Indian Territory I went to Utah.

434 Q-That is what you stated? A-Yes sir.

435 Q-Where did you got your first lessons in polygamy? A-In Texas.

436 Q-That was where you were first taught the principle of polygamy? A-Yes sir. Well no sir it was not either,-it was not there iether,-not the first lessons?

437 Q-Well where did you first receive instruction or information about that principle? A-In 1845!

438 Q-Where I say? A-In Wisconsin.

439 Q-Under Who? A-Under Lyman Wight.

440 Q-He was your leader,=the head of the branch or faction you were with? A-Yes sir.

441 Q-He was the one that taught it to you? A-Yes sir.

442 Q-And that was in Wisconsin in 1845? A-Yes sir.

443 Q-Did any body else teach it to you at that time? A-No sir.

444 Q-Was there a man by the name of Miller there? A-No sir,he was not with us at that time.

445 Q-When was Miller with you,and where? A-He was with us in the year '42 and came down with us to the fall of '38.

446 Q-In '38? A-He came down with us in the fall of '38.

447 Q-Down where? A-Down to Nauvoo.

448 Q-Do you mean '38? A-Yes sir,he came down with us in the fall of '38,-the fall or winter,for it might have been in the winter. He came down from Wisconsin.

449 Q-Well I think you mean '42,do you not mean '42 instead of '38 '39. A-Yes sir,that is right. I was wrong.

450 Q-Well I thought you were mistaken therefore I wanted you to correct it. You mean the year '42 instead of '38 as you stated it? A-Yes sir.

451 Q-How you know this man Miller at that time? A-Yes sir.

452 Q-Did he practice polygamy at that time? A-Not that I was aware of.

453 Q-Were you intimate with him? A-Yes sir.

454 Q-Well was he a polygamist at any time? A-When we went to Texas he claimed to have more than one wife when he came to us at that point.

455 Q-He claimed to have wives? A-Yes sir.

456 Q-More than one wife did he claim that? A-Yes sir.

457 Q-At what time did he come to you? A-He came there in '37,-no it was in '47. I get those dates mixed,-when I say '38 I mean '42 and when I said '37 I meant '47.

458 Q-Now where did he get his wives? A-He got them at Salt Lake and in winter quarters I suppose.

459 Q-Do you know whether he came from Nauvoo or from Salt Lake at the time he came to where you were there in Texas? A-Well I do not know how he travelled,only that he said he left Nauvoo with the emigration,and went to winter quarters,and from there he went to Texas.

460 Q-He said he went from winter quarters to Texas? A-Yes sir,that is wha t he said.

461 Q-Did you see him when he arrived in Texas? A-Yes sir.

462 Q-Did he have a family? A-Yes si r.

463 Q-Did he have several wives with him? A-Yes sir he had several women with him that he said were his wives.

464 Q-Well how many did he have? You were there at the time and of course

would have an interest in the arrival of a man who was practicing polygamy according to his own confession,and who had his wives with him? A-I don't know ,-I don't remember.

465 Q-Of course you had an interest in a man who was trying to re-inforce the church in that way, therefore you ought to be able to remember the number of women he had with him in his moving harem so to speak A-Let me see,-I do remember now,-he had three.

466 Q-You know him before that,-that is you know this man Miller at the time he came there? A-Certainly.

467 Q-Did he become a member of the church there in Texas,-did he join the branch there? A-Yes sir.

468 Q-He joined the branch there of which you were a member? A-Yes sir.

469 Q-And this was in Texas? A-Yes sir.

470 Q-Did he bring a certificate of membership that time before he joined the branch? A-Not that I remember of . I don't think it was necessary for him to have a certificate as it was well known that he was a member,and I think he was coupled with Lyman Wight on that mission there,and that was the reason he came there.

471 Q-Who coupled him with Lyman on that mission? A-Joseph.

472 Q-What Joseph? A-Joseph the prophet and seer.

473 Q-Joseph the seer coupled Lyman Wight with Miller on that mission? Is that it? A-Yes sir,that is my understanding of it.

474 Q-Then is it a fact that Lyman Wight and Miller being coupled with him,went out to preach the doctrines of the church as missionaries under the authority of Joseph Smith the Seer? A-Yes sir. That was so understood. That was the understandin I had of it

475 Q-Were you with them in that capacity to any extent? A-I was with Lyman Wight in Texas when he came there.

476 Q-Did you not go there with him? A-Yes sir,that is that I stated before.

477 Q-You went to Texas with Lyman Wight? A-Yes sir.

478 Q-Where did you go from to Texas? A-From Wisconsin.

479 Q-Where did you go from to Wisconsin? A-From Nauvoo.

480 Q-You went from Nauvoo to Wisconsin,-is that correct? A-Yes sir.

481 Q-And from Wisconsin to Texas? A-Yes sir.

482 Q-That year,and what time in the year did you leave Wisconsin to Nauvoo, to go to Wisconsin? A-We left Nauvoo to go to Wisconsin in the fall of '44.

483 Q-In the fall of '44? A-Yes sir.

484 Q-And you and all received your instructions from Joseph Smith before he was killed,had you not? A-Well I under stand that George Miller and Lyman Wight had received their instructions from him,-that is what I understood .

485 Q-From him before he was killed? A-Yes sir,-they could not very well receive them after he was killed.

486 Q-How many went with Lyman Wight? A-There was about one hundred and fifty souls,-about that number.

487 Q-By whom were they designated to go? A-They were sent by Joseph Smith.

488 Q-The ones that went were selected by Joseph Smith? A-Yes sir,that is my understanding.

489 Q-How were they designated or selected? A-The instructions were that George Miller and Lyman Wight should take the Black River country and take a mission there,and afterwards it was changed to

Texas, and we were all coupled together on that mis-
sion. We were all coupled on that mission.
490 Q-Do you say that the first place you heard of
polygamy was in Wisconsin? A,-Yes sir.
491 Q-From whom did you first hear of it there? A-Lyman
Wight.
492 Q-Did Lyman Wight have any of his plural wives with
him in Wisconsin? A-Yes sir.
493 Q-He had one there? A-Yes sir.
And I believe you stated that you paid some attention to
her at one time, did you not? A-~~Yes sir~~. No sir.
495 Q-I misunderstood you to make that statement? A-Well
you did misunderstand me then.
495 Q-Well that is what I understood you to say, and I
would like to know if I am wrong about that? A-Yes
sir, you are wrong.
497 Q-Well what was it you said about that woman that you
paid attention to? A-I said that there was a girl
in the company that I paid some attentions to, and he
sealed her to somebody else.
498 Q-How did you find out that he had sealed her to
some body else? A-Well I found it out.
499 Q-Well I want to know how you learned that he had
sealed her to some body else? A-Well it leaked out
in some way.
~~499~~
500 Q-Well how did it leak out? A-By some one telling;
that she was a married woman.
501 Q-And then you quit her? A-Yes sir, I paid no more
attention to her after that, for I did not want to be
paying attentions to another man's wife.
502 Q-Well, but I understood you to say that she was only
a spiritual wife? A-Well I used that term, for the
reason that at that time a multiplication of wives
was called spiritual wives. The extra wife was call-
ed the spiritual wife, or a plural wife, and she was a
plural wife.
503 Q-Do you mean by that that she lived in polygamy,-
sustained a polygamous relation with the man to whom
she was sealed? A-Yes sir, I mean by that that she
was living with a man that had another wife at the
same time.
504 Q-Then you knew these things before you went with
Lyman Wight to Texas? A-~~Yes~~ I did.
505 Q-And knowing these things to be facts, yet you went
there with him? A-Yes sir.
506 Q-You knew of all this polygamy business before you
went with him to- Texas? A-Yes sir. I knew of those
three cases that I have told you of. I knew of them
before I went to Texas.
507 Q-Well sir I must compliment you on the way you are
testifying for you are testifying very candidly, and
not letting anything prevent you from ~~xxxxx~~ telling
the truth? A-Yes sir that is what I am striving to
do.
508 Q-And you are not keeping anything back? A-No sir,
nothing that I am aware of.
509 Q-Now can you tell me of any more cases where men had
plural wives other than those three cases you have
mentioned? A-No sir.
510 Q-Any one that practiced polygamy? A-No sir.
511 Q-I mean in that faction that went to Texas? A-No sir

512 Q-You did not object to going with them to Texas?
A-No sir. I did not object.
513 Q-You did not object to leaving them and going to
Salt Lake either because they were polygamists out
there? A-No sir.

514 Q-All this occured along between 1845 ~~and~~ '44 and 1856? A-Yes sir.

515 Q-You were in the prime of your life at that time? A-Yes sir.

516 Q-At the time that men are supposed to be in the prime of their life? A-Yes sir.

517 Q-When did you get your wife? A-I got my wife in '48

518 Q-And that was before you went to Salt Lake? AYessir

519 Q-When did you say you went to Salt Lake? A-I went to Utah in '56.

520 Q-You took your wife with you? A-Yes sir.

521 Q-Do you took some endowments both in Texas and Salt Lake? A-Yes sir.

522 Q-Did you have been in Utah ~~xxx~~ before you took your endowments you speak of? A-did you say in Utah?

523 Q-Yes sir? A-At Salt Lake City?

524 Q-Yes sir,if that is where you took the endowments in Utah? A-I had been there pretty near a year at the time,-it was in '57 that I took the endowments there in Salt Lake.

525 Q-Do I understand you to have said that you have not seen similar endowments like those you took at Salt Lake City,since you left there? A-I don't understand that question.

526 Q-Did you say that you had not seen any endowments like those you took at Salt Lake City,since you left there? A-I said that the endowments given at Salt Lake were not like those that-Lyman Wight gave.

527 Q-Do they like anything else in the way of endowments that you have seen since you left Salt Lake City? A-No sir I have not seen anything like that.

528 Q-What is you haven't seen anything since you left Salt Lake City,like the endowments you took while there? A-No sir.

529 Q-Well what have you been in the way of endowments since you left there? A-Nothing, only the endowment of the Spirit.

530 Q-What is that? A-If a man does the law of the Lord,he has the promise of the life that God is and the life that is to come and the endowment of the Spirit will come in that way.

531 Q-You have taken that endowment? A-Yes sir.

532 Q-Since you left Salt Lake? A-Yes sir.

533 Q-Is that the only endowment you have taken since you left Salt Lake? A-Yes sir.

534 Q-Do you what have you been taught by that? A-I have been taught that all these things that belong to polygamy,and those things also are not in accordance with the law are not of God. That is what I have been taught.

535 Q-Will tell me the positive things that you have been taught since you left Salt Lake? A-The endowments that I have received since I left Salt Lake have given me to understand that I am strictly in the path of duty,and if I continue in that path I will ultimately attain eternal life at the end of the race. That is what it is chiefly,and the consciousness that that will be the result assures me that I am in that path.

536 Q-Have you ever received any endowment with reference to the doctrine that you must believe? A-No sir.

537 Q-Nothing of that kind has been received by you? A-No sir.

538 Q-Have you ever received any endowment with reference to first things since you left there? A-Since I left Salt Lake?

539 Q-Yes sir? A-No sir.

540 Q-Have you at any time received any endowment with re- rence to anything else since you have been there? A-No sir. Been where?

541 Q-Since you left Salt Lake? A-No sir.

542 Q-Just this one endowment? A-Yes sir, just the endow -ment of the Spirit that is all.

543 Q-How do you know you received that endowment? A-I know it.

544 Q-Well how do you know it? A-I know it by the reve- lation of Jesus Christ.

545 Q-That is the that you know you have received since you left Salt Lake City? A-Yes sir. I had received it before too, but not in so great a degree.

546 Q-Well were you in possession of that endowment when you were in Salt Lake? A-Yes sir.

547 Q-You were in possession of that endowment there? A-Yes sir, I can say I was.

548 Q-Can you say the same thing in relation to your connection with the Lyman Wight church in Texas? A- Yes sir, for I received a portion of the spirit then I was first baptized, and I kept it with me through to all.

549 Q-That baptism you regard as an endowment? A-Yes sir

550 Q-You were first baptized you told us I believe, in Bay County in this state? A-Yes sir, over across the river from here.

551 Q-When were you next baptized? A-I was next baptized in Salt Lake City or before that.?

552 Q-What is that? A-I said I was next baptized in Salt Lake City in Utah.

553 Q-Did you not say before that? A-Yes sir.

554 Q-Before you went to Salt Lake City? A-Yes sir.

555 Q-Well now when were you next baptized after you were baptized the first time over here in Bay County?

A-I was next baptized in the Cherokee Nation in the Indian Territory.

556 Q-Who baptized you there? A-An elder from Utah.

557 Q-You were baptized the next time after you first baptized over in Bay County, which was the first time you were baptized, -you were the next time baptized by an elder from Utah in the Cherokee Nation in the Indian Territory? A-Yes sir.

558 Q-Who was he? A-The elder that baptized me?

559 Q-Yes sir? A-Henry Miller.

560 Q-Well were there two baptisms all you received? A-Oh no, I was baptized again after that.

561 Q-Well then, were you baptized the next time? A-I was baptized again after I came to arrive in Utah.

562 Q-That makes three times you were baptized? A-Yes sir

563 Q-Were you baptized any more after you got to Utah? A-Yes sir.

564 Q-Well when were you baptized again after that first time in Utah? A-Oh to enumerate them all I can't do it. I have been baptized a number of times, and I cannot enumerate them all.

565 Q-About how many times? A-I don't know how many times.

566 Q-When were you baptized the next time after you left Utah? A-I was never baptized after I left Utah.

567 Q-You were not? A-No sir.

568 Q-Then upon that baptism were you received into the re-organized church? A-I was baptized into the re- organized church, rather before I left there.

569 Q-You were baptized into the re-organized church in Utah? A-Yes sir.

570 Q-Where were you when you were baptized into the Utah church? A-I was baptiz ed into the Utah church in the Indian Territory at the time I told you,and then I was baptized again when I got there.

571 Q-When were you baptized originally? A-In '37.

572 Q-That was in Ray County,Missouri? A-Yes sir.

573 Q-When you were re-baptized the next time ~~xxx~~ I believe you stated in the Indian Territory? A-Yes sir

574 Q-In the Cherokee Nation as you expressed it? A-Yes sir.

575 Q-By an elder in the Utah church named Miller? A-Yes sir.

576 Q-And next where? A-In Salt Lake City.

577 Q-That was in the Utah church was it not? A-Yes sir

578 Q-And next you were baptized into the re-organized church? A-Yes sir.

579 Q-And you were baptized into the re-organized church in Salt Lake City also? A-Yes sir.

580 Q-Now can you explain to me,why,if your baptism was good in Ray County,was it necessary to baptize you again,-over again,-into the re-organized church? A-Well I don't know that I can explain that or the reason for it,any more than it seemed to be a common practice amongst the people.

581 Q-Sir,-what is that? A-I said it seemed to be a common practice amongst the people.

582 Q-What seemed to be a common practice amongst the people? A-To be baptising them. The people were all more or less in the dark about it,and I might be more or less in the dark too,and so to make sure and have everything all right that was the practice.

583 Q-To make sure of it they were all re-baptized over again? A-Not all but the ones who had been baptized into the Utah church were re-baptized again before they were admitted into the re-organized church,but I understand it is not necessary in the case of parties who were baptized into the original church before the death of Joseph Smith,and who have never become identified with the Utah church or any ~~[illegible]~~ other fraction of the original church after the death of Joseph the Seer.

584 Q-That is your understandin of the practice in that regard? A-Yes sir.

585 Q-Then how many churches have you belonged to? A-Well I would have to count them up before I could answer?

586 Q-You can't say? A-I can't answer without counting them up.

587 Q-Well let us go some counting? A-Very well,-go ahead.

588 Q-You were baptized first into the old original church in Ray County in 1837? A-Yes sir. I was baptised into the church at that time,but that was not the first time I was baptized ,for I was first baptized into the Methodist church.

589 Q-That was by effusion(???) A-That was by sprinkling

590 Q-Then when were you next baptiz ed? A-Then I was baptized into the church of Christ in Ray County,-that was the second time I was baptized in my life, but the first time I was baptized into the church of Christ.

591 Q-That was the church of the same name that those defendants belong to? A-It was the Church of Christ, denominated "Latter Day Saints".

592 Q-Was there a church at that time denominated"Latter Day Saints"? A-Yes sir.

593 Q-In what year was that? A-That was in '37.
594 Q-That was the time you were baptized into the church you have mentioned? A-Yes sir.
595 Q-Then in what church were you baptized in 1877? A-In Bay County,-is that where you born?
596 Q-Yes sir, in what church were you baptized,-into what church was you baptized in Bay County in 1877? A-In the "Church of Christ" denominated "Baptist Bay Saints"
597 Q-Then you were baptized next into the church? -I was baptized then I left Bay and the next time into the "United Church."
598 Q-That was when is that? A-Well I was called into the "United" church, or the U.A. church.
599 Q-That was the time you were baptized in the Baptist? A-Yes sir.
600 Q-Do you call it the "United Church" or the United Church of Christ?
601 Q-The church of Christ, or the United Church? A-The church of Christ, or United Church.
602 Q-That is a Baptist church? A-Yes sir,-
603 Q-And that is what it was called at that time? A-Yes sir.
604 Q-Tell me you were baptized into the church at the
605 Q-[illegible]? A-Yes I was.
606 Q-[illegible]? A-Two or three,-I don't know that that
[illegible] I told you I [illegible] for the [illegible] little girl I [illegible] cor-
[illegible] could not very [illegible] that
[illegible] in or some [illegible] 11
[illegible] that [illegible] were [illegible]
607 Q-Tell what church were you baptized into, [illegible]
608 Q-[illegible]? A-Yes I [illegible]
609 Q-[illegible],-I [illegible] church? -I [illegible] church of Christ, [illegible]
[illegible] of Jesus Christ of Latter Day Saints
610 Q-[illegible] the last time you were baptized? A-[illegible]
611 Q-[illegible] quite an experience in the time of
baptism? A-Yes sir.
612 Q-[illegible] baptized for any particular position
[illegible] time? A-I was baptized for my
[illegible].
613 Q-[illegible] for anything else? A-Yes
[illegible] sir.
614 Q-[illegible]? A-Yes sir.
615 Q-[illegible]? A-Yes sir.
616 Q-You have faith in that baptism? A-Yes sir.
617 Q-[illegible] you baptized for the other time? A-Well
[illegible] the same.
618 Q-Well what was it for? A-Well it was a name for a
certain class claiming to be a leader, and they were
to be baptized when they come in order that we might be-
lieve.
619 Q-That class was [illegible]? A-Well that [illegible],-
he claimed to be leader, and there was [illegible] Yeah,
he claimed to be leader and there was a lot more of
them.

place presents itself for performing it. They believe in it, and I understand will practise it when the proper time arrives for so doing. That is all the answer I have to give to that question.

651- Q-But, they don't practice it now? A-No sir.

652 -And they never have done it yet,-that is they never have practised it yet? A-That is my understanding.

653 -They have not been baptized? A-Yes sir,-that they have not been baptized since I have been.

654 -You say you believe in it, and will you do it? -Yes sir, but they believe the time for doing it is coming, and by and by, when I go over and get, -then, the time comes, they will be baptized by immersion.

655 -Is this the old church that you belong to? A-Yes sir.

656 -Is it, or is it a church that has been produced by the Mormons? A-No sir.

657 -Is this the same church that you belong to? A-Yes sir, the same church.

658 -Is it the same church that you were baptized in? A-Yes sir.

659 -Is it the same church that you were confirmed in? A-Yes sir.

660 -Is it the same church that you were ordained in? A-Yes sir.

661 -Do you know what denomination it is in the United States? A-I don't know.

662 -Is it a church, like in that respect? A-Yes sir.

663 -Is it the church that corresponds to the Methodist church, or the Presbyterian church, or the Baptist church, or what is it? A-It is the church, the "Reorganized Church of Jesus Christ of Latter Day Saints".

664 -Are you ever confirmed? A-Yes sir.

665 -Where were you confirmed? A-In 1877.

666 -Who was the person who confirmed you? A-Thos. Taylor.

667 -Were you ever confirmed there now? A-No sir.

668 -Who was that, Brother? A-It's the church,-the "Reorganized Church".

669 -Are you ever confirmed after that? A-Yes sir.

670 -Who was the person who confirmed? A-The Presidency.

671 -Will you tell the Commission when you joined in 1877 and the place, and when you joined in 1870,-the last time,-that you mentioned in your book, confirmed at all,-what was the necessity for your confirmation in the church? A-Well I think I have answered that question. I think I have told you it was because of the different leaders leading off portions of the church that had their institution, and those that were in either being, with these different leaders,

[illegible] that come in throu[illegible] that door,-by being baptized and re-confirmed, and I was one that had to do that.

672 Q-At the door of the church? A-Yes sir.

673 Q-Do you remember that the name of the church was that you [illegible] confirmed into when you go [illegible] church? A-When I was last confirmed?

674 Q-Yes sir,-that [illegible] the name of the church that you were confirmed into the last time? A-Yes sir.

675 Q-[illegible] -I [illegible] confirmed [illegible] or [illegible]?

675 Q-[illegible] the "[illegible]"? A-[illegible]

676 [illegible]

677 [illegible]

678 [illegible]

679 [illegible]

680 [illegible]

681 [illegible]

682 [illegible]

683 [illegible]

684 [illegible]

685 [illegible]

686 [illegible]

687 [illegible]

688 [illegible]

689 [illegible]

690 [illegible]

691 [illegible]

692 [illegible]

Counsel [illegible]

693 [illegible]

694 [illegible]

695 [illegible]

696 [illegible]

697 [illegible]

698 [illegible]

699 [illegible]

[illegible] he never advocated the claims of Brigham Young at any time to be the head of the church, and on the contrary he opposed his claims and broke off from [illegible] because he thought it was [illegible]

757 [illegible]

758 [illegible]

759 [illegible]

760 [illegible]

761 [illegible]

762 [illegible]

763 [illegible]

764 [illegible]

765 [illegible]

766 [illegible]

767 [illegible]

768 [illegible]

769 [illegible]

770 [illegible]

771 [illegible]

772 [illegible]

773 [illegible]

774 [illegible]

775 [illegible]

776 [illegible]

777 [illegible]

778 [illegible]

779 [illegible]

780 [illegible]

781 [illegible]

782 [illegible]

783 [illegible]

784 [illegible]

785 [illegible]

786 [illegible]

787 [illegible]

788 [illegible]

789 [illegible]

790 [illegible]

791 [illegible]

792 [illegible]

793 [illegible]

Commissioner [illegible] the question and [illegible] the [illegible] on the ground that it is irrelevant and immaterial, and not proper cross examination.

740 [illegible]

A-At that time?

741 Q-Yes sir? A-Well it was before Joseph's death?
742 Q-Well did he say it was before Joseph's death?
[illegible]
Counsel for the plaintiff objects to the question as to the validity of the [illegible] for the reason that it is incompetent, irrelevant and immaterial, in that it does not prove [illegible] mination.

A- [illegible]

743 [illegible]
A- [illegible]

744 [illegible]

[illegible]

745 [illegible]

746 [illegible]

747 [illegible]

748 [illegible]

749 [illegible]

750 [illegible]

Counsel for the plaintiff objects to the question as to the validity for the reasons above set forth.

751 [illegible]

752 [illegible]

753 [illegible]

754 Q-[illegible] statement [illegible]

Counsel for the plaintiff objects to the question as to the validity for the reasons above set forth.

A- At what time?

741 Q-Yes sir? A-Well it was before Joseph's death?
742 Q-Well did he say it was before Joseph's death?
Counsel for the plaintiff objects to the question asked the witness on the ground and for the reason that it is incompetent, irrelevant and immaterial, and not proper cross-examination.
A- Yes, it was then?
743 Q-Well did he say it was a direct positive to Joseph?
A-[illegible]
744 Q-[illegible]

745 Q-[illegible]
746 Q-[illegible]

747 Q-[illegible]
748 Q-[illegible]
749 Q-[illegible]

750 Q-[illegible]

Counsel for the plaintiff objects to the question asked the witness on the ground and for the reason that it is incompetent, irrelevant and immaterial, and not proper cross-examination.
751 Q-[illegible] there was no revolution upon [illegible]
752 Q-[illegible] the revolution upon [illegible] A-[illegible]
753 Q-[illegible] Smith in reference to [illegible] Joseph Smith is to have been received in that way, or any statement to that effect?

Counsel for the plaintiff objects to the question asked the witness for the reasons above set forth.

A-[illegible] that time?

741 Q-Yes sir? A-Well it was before Joseph's death?
742 Q-Well did [illegible] it, [illegible] before Joseph's death?
Counsel for the plaintiff objects to the question as the [illegible] the [illegible] on the ground that the [illegible] that it is incompetent, irrelevant and immaterial, and not proper cross-examination.
A-[illegible] time?
743 [illegible]
A-[illegible]
744 [illegible]

745 [illegible]
746 [illegible]

747 [illegible]
748 [illegible]
749 [illegible]

750 [illegible]

Counsel for the plaintiff objects to the question as the [illegible] and for the reason that it is incompetent, irrelevant and immaterial.
751 [illegible] there was no revolution [illegible] of [illegible] time [illegible].
752 [illegible] revolution [illegible] of the [illegible] spoken of by [illegible].
753 Q-[illegible] Smytzin, [illegible] to [illegible] with [illegible] been deceived in [illegible] statement to that effect?

Counsel for the plaintiff objects to the question as the answer for the reasons above set forth.

A- At what time?

741 Q- Yes sir? A- Well it was before Joseph's death?
742 Q- Well did he say it was before Joseph's death?
Counsel for the plaintiff objects to the question upon the ground that it is immaterial, irrelevant and not proper cross-examination.
A- At what time?
743 Q- Well did he say it was before Joseph's death?
A- [illegible]
744 Q- [illegible]

745 [illegible]
746 [illegible]
747 [illegible]
748 [illegible]
749 [illegible]
750 [illegible]
Counsel for the plaintiff objects to the question upon the ground that it is immaterial, irrelevant and not proper cross-examination.
751 [illegible] revelation came upon [illegible] Joseph was no revelation [illegible] of [illegible]
752 [illegible] the revelation [illegible] Joseph [illegible] by [illegible] 11.
753 Q- [illegible] anything said in regard to the [illegible] with Joseph [illegible] in [illegible] statement to that effect?

Counsel for the plaintiff objects to the question upon the ground for the reasons above set forth.

A- No sir I don't remember that he said anything about that. I don't think there was anything said about that, but he said that Joseph said there was certain [illegible] in the church, and if it was not [illegible] could be the fall or the ruin of the [illegible] 754 [illegible] Q- [illegible] A- He said that this came [illegible] 755 [illegible] question.-

[illegible]

[illegible] 756 [illegible]

[illegible] 757 [illegible]

[illegible] 758 [illegible]

[illegible] 759 [illegible]

[illegible] 760 [illegible]

[illegible] 761 [illegible]

[illegible] 762 [illegible]

[illegible] 763 [illegible]

[illegible] 764 [illegible] in

[illegible] 765 [illegible]

Court [illegible]

the [illegible]

[illegible] 767 [illegible]

[illegible] 768 [illegible]

[illegible] 769 [illegible]

[illegible] 770 [illegible] or

[illegible] country

[illegible] the

[illegible] 771 [illegible] it

[illegible]

[illegible] 772 [illegible]

[illegible] com-

773 Q-Or Yates? A-No sir, I did not know either of them. I never got acquainted with either of them.

774 Q-With either Oates or Yates? A-No sir,-neither of them.

775 Q-Do you know whether Hughes was a member of the [illegible] family or not? A-No sir.

Counsel for the plaintiff objects to the question asked the witness on the ground that it is not proper [illegible] examination.

776 Q-[illegible] Hughes was a member of the [illegible] or not? A-No sir [illegible] I can't tell you anything about it [illegible].

777 Q-[illegible] is all you know [illegible]? A-[illegible]

778 [illegible]

It [illegible] deposition [illegible] part of the parties hereto, [illegible] continued until [illegible] August [illegible] 1928 at the hour of [illegible] o'clock [illegible]

[illegible] continued [illegible] deposition [illegible] and examination [illegible]

1 Q-[illegible]

2 Q-[illegible]

3 Q-[illegible] A-[illegible]

4 Q-[illegible] A-At [illegible]

5 Q-[illegible] A-In [illegible]

6 Q-[illegible] A-[illegible]

7 Q-[illegible] about eleven [illegible]

8 Q-[illegible] I live in [illegible]

9 Q-[illegible] A-I [illegible]

10 Q-[illegible]

11 Q-[illegible]

12 Q-[illegible] A-[illegible]

13 Q-[illegible] A-[illegible]

14 Q-[illegible] A-[illegible]

15 Q-[illegible] A-[illegible]

16 Q-[illegible] A-[illegible] sir

17 Q-How long have you been connected with the Mormon [illegible]? A-Since 1867,-sixty one years ago [illegible]

18 Q-[illegible] you [illegible] identified [illegible]

had what they called a church organization, there
52 -Was in Wisconsin? A-Yes sir.
53 Q-Who was the leader of that organization,-who was
at the head of it? A-It was headed or led by a man
[illegible]
54 Q-[illegible]? A-[illegible] sir.
55 Q-[illegible] of the organization there at that
[illegible]? A-Yes [illegible] sir.
57 Q-[illegible] religious [illegible] there
[illegible]? A-[illegible]?
58 Q-[illegible] Wisconsin? A-[illegible] sir, con-
[illegible] religious [illegible] they.
59 Q-[illegible] with the church
[illegible]? A-[illegible],---?
60 Q-[illegible] say [illegible]? -Well I
[illegible] Yes
[illegible] they [illegible] it, and
[illegible] -
[illegible] it,-I [illegible]
[illegible] that
61 Q-[illegible]? A-
[illegible] that they,-that could be
[illegible] but [illegible] they
[illegible] questions
62 Q-[illegible] of that [illegible]? A-Sir
[illegible]
63 Q-[illegible] -[illegible] they.
64 Q-[illegible] [illegible]
[illegible]?
Q-[illegible] the
[illegible] -[illegible] [illegible]
[illegible] be
[illegible]
[illegible] there
[illegible] -that
65 Q-[illegible]
[illegible]
66 Q-[illegible] -I [illegible]
67 Q-[illegible]? A-[illegible] Leg
[illegible] Privy Counsellor,
[illegible] that
[illegible] covenant that they held
68 Q-[illegible] explain [illegible] there of that covenant
[illegible] political nature, and a very [illegible] ent-
[illegible] that, if you [illegible] were [illegible] in your
[illegible] It [illegible] covenant that [illegible] considered to
[illegible] extent.
69 Q-[illegible] its nature? A-The nature of the
[illegible] to did they [illegible] in one [illegible] of
[illegible] -
70 Q-[illegible] in the [illegible] to be [illegible]? A-[illegible]
[illegible] to the covenant in their own blood,-
[illegible] free to air [illegible] and it [illegible] con-
[illegible] covenanter [illegible] that
[illegible] they it bound in one covenant of
[illegible] -one home of brotherhood, and that [illegible]
[illegible] for each other [illegible] or from.
71 Q-[illegible] from? A-Yes sir.
72 Q-[illegible] in that covenant originator?
Counsel for the defendants objects to the question [illegible]
the [illegible] on the ground and for the reason that it
assumes [illegible] not its proof.
73 Q-Well I will [illegible] that question,-what is it
[illegible] you say?

I07 Q-About all the members that were there went to Bea-
[illegible] Island with Strang? A-Yes sir,after they left
[illegible] not know I Latter Day Saints left there to
[illegible] a church.

I08 Q-[illegible] there all the time? A-[illegible] sir,-I
[illegible] to Beaver Island,-that was
[illegible] Strang [illegible]
[illegible]

I09 Q-[illegible] branch of the church [illegible] or
[illegible]?- A-[illegible] of
[illegible] the
[illegible] they
[illegible]

I10 Q-[illegible] in
[illegible] Beaver? A-[illegible]

I11 Q-[illegible] I
[illegible]

I12 Q-[illegible] it [illegible] there
[illegible]

I13 Q-[illegible]

I14 Q-[illegible] not
[illegible]

I15 Q-[illegible] th.
[illegible]

I16 Q-[illegible] a little ov[illegible]g.
[illegible] I did
[illegible] in
[illegible]

I17 Q-[illegible]

I18 Q-[illegible] my
[illegible] on
[illegible] now
[illegible] poly-
[illegible]

I19 Q-[illegible]

I20 Q-"[illegible] the
[illegible] dant-
ly [illegible]

I21 Q-
[illegible]

I22 Q-[illegible] the church? A-I [illegible]
[illegible]

I23 Q-[illegible] time
[illegible] was
[illegible]

I24 Q-[illegible] I be-
[illegible]
[illegible] it.
[illegible] the
[illegible] intro-
[illegible]

I25 Q-[illegible] A-[illegible] on
[illegible] for [illegible] it, and I [illegible].

I26 Q-You have [illegible] that book? A-I [illegible] roll
as a friend with one of the sisters, and [illegible] it,
[illegible] have it, and its existence [illegible] pretty
well accept in the church,-that is [illegible]

body in the church did not know of its existence, but one of the sisters in the church who occupied a prominent place in the female councils of the church had the book. The lot we have it, and it was passed on the church or so. It was distributed among the sisters, and it was at the initiation of this institution we got the [illegible]

I26 [illegible]

I27 [illegible]

I28 [illegible]

I29 [illegible]

I30 [illegible]

I31 [illegible]

I32 [illegible]

I33 [illegible]

I34 [illegible]

I35 [illegible]

I36 [illegible]

I37 [illegible]

I38 [illegible]

I39 Q-Did you ever attend to preach the doctrine of polygamy? A-Yes, sir.

I40 Q-Did you preach? A-Yes, sir. I was

I41 Q-At what time was that? A-That I was asked [illegible]

I42 [illegible] A-Well that was in '45,-In the winter of [illegible] spring,-yes sir I think it was in the [illegible] of '45.

I43 [illegible] A-[illegible]

I44 [illegible]

I45 [illegible]

I46 [illegible]

I47 [illegible]

I48 [illegible] -In

I49 [illegible] not

I50 [illegible]

I51 [illegible]

I52 [illegible] ly up or as to- co, [illegible]

I53 [illegible] Corri-

I54 Q. [illegible] ck o for [illegible]

I55 [illegible] not [illegible]

I56 [illegible]

I57 [illegible] A-No sir not [illegible] satisfied from the facts [illegible] practice it [illegible] doubt in my mind about that [illegible] sir.

I58 Q-You are satisfied that no practice it? A-Yes sir there is no doubt in my mind about that.

I59 Q-Where? A-At Voree and Beaver Island both.
I60 Q-You are satisfied that he practiced it at both of these places? A-Yes sir,-I am satisfied that he did from the history that I have of Mr Strang,but I don't know this of my own knowledge,for I did not see him practice it.
I61 Q-Well I don't want you to state anything that you don't know of your own knowledge,-just state what you have personal knowledge of yourself,and nothing else? A-Well that is the very I do,when I don't know a thing I tell you I do not know it.
I62 Q-Well now you stated that when you were secreted to prevent your being sworn to it,but to a friend of yours,that you refused,and that you were given to understand the effect? A-Yes sir,under oath,-I was given to the next meeting to swear to it,and the next meeting was called together in [illegible],and then when I was asked again to do so the particular I was stricken down and, together with some other members was expelled,-be-
I63 Q-Was any member of the church at the time expelled,and were expelled for the same? A-I think
I64 Q-Was this one,-you,it was only one.
I65 Q-What was his name? A-I don't remember his name, sir.
Q-What was the position you held in the church,that
[illegible] A-I think I could have been of
I66 Q-Well did he? A-I don't think he did,I don't
I67 Q-Was there any question about that? A-Yes sir,not the
[illegible] I would certainly have spoken of it.
I68 Q-Was you known as a member of the church at that time
I69 Q-Was you a member of the church at the time
I70 Q-Was it any time,do you know about the ordinance
I71 Q-Did they at any time? A-No ordinances in the church
I72 Q-At any place,or at any time? A-I can't know much about that,for I never attended any of the endowments
I73 Q-Was that practiced before Joseph Smith's death?
I74 Q-It was after hiddeath? A-Yes sir it was two years,
I75 Q-Was it was a little over two year after his death,
that that was done. That is when this took place,-a
little over two years after Joseph Smith's death,that
the endowment took place,. That is the endowment

where they sealed,

S11 Q-Were you ever tried for any offence against the
laws of the church at Nuuvoo? A-No sir.
S12 Q-You were not? A-No sir.
S13 Q-Were you at any time expelled from that church at
Nauvoo? A-Not that I am aware of. I was never expelled from
the church. I was never tried.
S14 Q-Were any charges made against you? A-Yes sir.
S15 Q-Were any charges made against you for being a
counterfeiter? A-No sir; I was not.
S16 Q-Were you ever tried for counterfeiting? A-No sir.
S17 Q-Did you not say that you had been tried for
counterfeiting? A-No sir.
S18 Q-Did you not say that you had been expelled from the
church? A-No sir.
S19 Q-Did you not say that you had been expelled from the
church for counterfeiting? A-No sir.
S20 Q-Did you not say that you had been expelled from the
church for counterfeiting? A-No sir.
S21 Q-Did you not say that you had been expelled from the
church for counterfeiting? A-No sir.
S22 Q-Did you not say that you had been expelled from the
church for counterfeiting? A-No sir.
S23 Q-Did you not say that you had been expelled from the
church for counterfeiting? A-No sir.
S24 Q-Did you not say that you had been expelled from the
church for counterfeiting? A-No sir.
S25 Q-Did you not say that you had been expelled from the
church for counterfeiting? A-No sir.
S26 Q-Did you not say that you had been expelled from the
church for counterfeiting? A-No sir.
S27 Q-Did you not say that you had been expelled from the
church for counterfeiting? A-No sir.
S28 Q-Did you not say that you had been expelled from the
church for counterfeiting? A-No sir.
S29 Q-Did you not say that you had been expelled from the
church for counterfeiting? A-No sir.
S30 Q-Did you not say that you had been expelled from the
church for counterfeiting? A-No sir.
S31 Q-Did you not say that you had been expelled from the
church for counterfeiting? A-No sir.
S32 Q-Did you not say that you had been expelled from the
church for counterfeiting? A-No sir.
S33 Q-Did you not say that you had been expelled from the
church for counterfeiting? A-No sir.
S34 Q-Did you not say that you had been expelled from the
church for counterfeiting? A-No sir.
S35 Q-Did you not say that you had been expelled from the
church for counterfeiting? A-No sir.
S36 Q-Did you not say that you had been expelled from the
church for counterfeiting? A-No sir.
S37 Q-Did you not say that you had been expelled from the
church for counterfeiting? A-No sir.
S38 Q-Did you not say that you had been expelled from the
church for counterfeiting? A-No sir.
S39 Q-Did you not say that you had been expelled from the
church for counterfeiting? A-No sir.
S40 Q-Did you not say that you had been expelled from the
church for counterfeiting? A-No sir.
S41 Q-Did you not say that you had been expelled from the
church for counterfeiting? A-No sir.
S42 Q-Did you not say that you had been expelled from the
church for counterfeiting? A-No sir.
S43 Q-Did you not say that you had been expelled from the
church for counterfeiting? A-No sir.
S44 Q-Did you not say that you had been expelled from the
church for counterfeiting? A-No sir.
S45 Q-Did you not say that you had been expelled from the
church for counterfeiting? A-No sir.
S46 Q-Did you not say that you had been expelled from the
church for counterfeiting? A-No sir.
S47 Q-Did you not say that you had been expelled from the
church for counterfeiting? A-No sir.
S48 Q-Did you not say that you had been expelled from the
church for counterfeiting? A-No sir.
S49 Q-Did you not say that you had been expelled from the
church for counterfeiting? A-No sir.
S50 Q-Did you not say that you had been expelled from the
church for counterfeiting? A-No sir.
S51 Q-Did you not say that you had been expelled from the
church for counterfeiting? A-No sir.
S52 Q-Did you not say that you had been expelled from the
church for counterfeiting? A-No sir.
S53 Q-Did you not say that you had been expelled from the
church for counterfeiting? A-No sir.
S54 Q-Did you not say that you had been expelled from the
church for counterfeiting? A-No sir.
S55 Q-Did you not say that you had been expelled from the
church for counterfeiting? A-No sir.
S56 Q-Did you not say that you had been expelled from the
church for counterfeiting? A-No sir.

237 Q-Well it appears that you became a member of a
quorum of seventy-in the fall of 1845? A-Yes sir.
238 Q-Well what position did you occupy in the church
prior to the death-of Joseph Smith? A-Before the
death of Joseph Smith?
239 Q-Yes sir,-what position did you hold in the church
prior to his death? A-I was an elder sir.
240 Q-By whom were you ordained? A-By two men,-by a man
named Willis Miller and William Pratt.
241 Q-These were the men that ordained you? A-Yes sir.
242 Q-By whom were you appointed? A-I was proposed by a
person for ordination,and by introduction you [illegible]
they ordained me on that,and then I [illegible]
243 Q-What branch was it that you served in? A-
[illegible] in Indiana,at Fairview.
244 Q-Was that the case at the time that you were first
ordained as one of the quorum of seventy? A-
That is that?
245 Q-Have you still continued to preside over that branch
at the time you were ordained a member of the quorum
of seventy? A-Yes sir. It was after that that
I was made a member of the quorum of seventy,for I was ordained in the winter of 1845,-that I
[illegible]
246 Q-In the winter of 1845? A-Yes sir.
247 Q-You were ordained in 1845? A-Yes sir.
248 Q-Where did you at that time live from Nauvoo?
A-I was living upon my farm at Fairview, which was there
249 Q-Did you continue at that time? A-In Indiana.
250 Q-Did you reside there? A-I resided there
[illegible] years.
251 Q-When did you leave Indiana? A-I left there in the
fall of 1846 and came to Nauvoo in [illegible]
Illinois.
252 Q-Did you come to Nauvoo, or was it within a
[illegible] of Nauvoo? A-I did live out of Nauvoo a
[illegible],-about six miles from Nauvoo,and I used
to come out there in the winter time, [illegible] into
Nauvoo in the winter as I did too before. I only lived
out there a part of the time, and the balance of the
time to the time I finally left Nauvoo,I lived
in the town.
253 Q-Did you first winter, or live in Nauvoo? A-It
was in the winter of 1847.
254 Q-Where did you live in Nauvoo? A-The first winter
I lived where I lived in a house [illegible] with a brother
Joe,-a man named Joseph in law of mine,-I lived
255 Q-Where? A-I was in Nauvoo.
256 Q-What winter was that? A-It was the winter I moved
there, and I came there in the fall 1846,or in the
winter of 1847.
257 Q-In the fall of 1847? A-Yes sir, fall of 47.
258 Q-Was your wife with you? A-Yes sir.
259 Q-Was she your sister in law? A-Yes sir
[illegible] Henry Wilcox.
260 Q-You were married then? A-Just sir.
261 Q-And had children? A-Yes sir.
262 Q-Of course, you were married in the state of Ohio
[illegible] marriage in Ohio.
263 Q-Where were you married? A-In Ohio.
264 Q-You were a member of the church at the time you
were married.?

A-That is what you say?
265 Q-Well were you or were you not? A-I was.
266 Q-Was your wife also a member of the church at the time she married you? A-Yes sir.
267 Q-She was? A-My wife?
268 Q-Yes sir" A-No sir she was not a member of the church at that time.
269 Q-Is she still living? A-Yes sir.
270 Q-You are living together at home"? A-Yes sir.
271 Q-Now you said you were acquainted with Joseph Smith? A-Yes sir. I was well acquainted with him.
272 Q-When did you first become acquainted with Joseph Smith? A-When When did I first make his acquaintance
273 Q-Yes sir? A-Well it was in '30. That was the first time I had any acquaintance with him or seen him,and it was in the year '30.
274 Q-And when did you become a member of the church? A-It was in '31 that I joined the church.
275 Q-Where did you first make the acquaintance of Joseph Smith? A-I made my acquaintance with him sir in Kirtland.
276 Q-Kirtland,Ohio? A-Yes sir.
277 Q-That was the head quarters of the church at that time? A-Yes sir.
276 Q-How long did you remain in Kirtland,Ohio, After you made his acquaintance? A-I joined the church then. That time I was there I joined the church.
278 Q-Well how long did you remain in Kirtland,Ohio,after you joined the church? A-Well I remained there until the fall of '38.
280 Q-Well where did you go from there? A-Well sir I wintered the first winter after I left there in the city of St Charles,Missouri.
281 Q-You came from Ohio there? A,Yes sir.
282 Q-And wintered the first winter there in St Charles? A-Yes sir.
283 Q-Then where did you from there? A-I went from there to Indiana.
284 Q-Did you go any time to the town of Independence,in Jackson County,Missouri? A-No sir.
285 Q-You never were there? A-No sir.
286 Q-Or did you at any time go to Ray County,Missouri,or to Far West? A-I was on my way there from Ohio and was about one days drive from St Charles when I was intercepted and informed that the Saints had been driven out of that state,and no more were to be permitted to come in,and so I stopped there in St Charles and wintered there. The Missouri river was low at that time,and so I with another gentlemen that was with me hired a team and we moved into St Charles and wintered there.
287 Q-Who was with you? A-My family.
288 Q-Well who was this other gentlemen that you say was with you? A-Mr Oliver Granger.
289 Q-Now what was there about this team that you say you hired? A-Well we hired the team as I say,and started from St Charles,and went out about two days drive from the town,for we hired the team to tak e us on,and when we stopped at an hotel for the night,- It was just a country hotel that we put up at,and while were there the land lord asked me where we were going and I told him, and then he said "these men that are here,are picket guards,and they will not allow you to go any further,

and in the morning I turned around and hired this same team to take me back to St Charles,and

I stayed there at St Charles all that winter.
290 Q-That was down there at St Charles,Missouri? A-Yes sir.
291 Q-Well where did you go from there? A-TO Indiana.
292 Q-At what point in Indiana did you locate then? A-Well sir I landed at Evansville on the Ohio river.
293 Q-Did you remain there any length of time? A-Yes sir, for a time.
294 Q-How long did you remain there? A-Well I stayed there about two and a half years.
295 Q-Where did you go from there? A-TO Nauvoo.
296 Q-Didyou ever see Joseph Smith at any time after 1831,or from that time up to the time that you went to Nauvoo? A-I don't know that I understand your question.
297 Q-Did you over soe Joseph Smith at any time after 1831 the time that you saw him at Kirtland,and from that time on up to the time that you went to Nauvoo? A-Do you want to know if I saw him at any time from '31 until the time I went to Nauvoo.?
298 Q-Yes sir? A-Oh yes I saw him there at Kirtland often,and heard him preach many a time.
299 Q-But how could that be for you left Kirtland at an early date? A-No sir I lived there several years.
300 Q-When did you leave Jirtland? A-I left there in '38,-in the fall of '38,and in '41 I came to Nauvoo, and I heard him preach there at Nauvoo ~~at~~ ~~an~~ after '41,as well as in Kirtland during '38 and before that time.
301 Q-Well did he speak there in Kirtland and all the time from '31 to '38,-was he there all the time? A-Well I heard him many a time,for he was not there all the time for he was backwards and forwards,and was in Missouri once I-believe,and he was out some times on missions,and I heard him preach o ften during that period in Kirtland. You must romember that I was born and raised within about five miles of Kirtland and I heard him preach there from about the ~~first~~ time they first came there with the church
302 Q-Now you have testified here that you understand tho doctrines of the church at Nauvoo,and the doctrines of the church while at Kirtland,,have you not? A-Of course I understand it. I think I understand it pretty well at any rate.
303 Q-Will you state what the doctrines of the church were?
Counsel for the plaintiff objects to the question asked to the witness on the ground and for the reason that it is not proper examination,and is immeteriah and incompetent,
304 Q-You may answer the quostion? A-Of course I know the cardinal principles of the doctrined of the church.
305 Q-Well state what they are? A-The resurroction and laying on of hands,-
306 Q-And baptism? A-Yes sir.
307 Q-Is that all? A-No sir.
308 Q-What more is there? A-Faith and repentance.
309 Q-Had they a resurrection? A-Yes sir.
310 Q-What else? A-And an eternal judgement.
311 Q-You said there was five points of doctrine?,-baptism was one, faith,and the resurrection was another? A-Faith and repentanco was what I said.
312 Q-Then what? A-The resurrection and eternal judgement was another.
313 Q-Resurrection and eternal judgement? A-Yes sir.

318 Q-Then what else? A-We had incorporated the laying on of hands some years before this as one of the ordinances of the church.
319 Q-Well are the five points,first,-baptism,then faith, -do you call faith and repentance one? A-Well they are in harmony,-the one belongs to the other.
316 Q-They are two seperate principles ? A-Yes sir.
317 Q-Then there is a baptism,faith and repentance,the resurrection,and eternal judgement,-are these the five points of doctrine"? A-Yes sir thses are the five points.
318 Q-Did the church prior to 1844 we will say,adopt any other doctrine?
Counsel for the plaintiff objects to the question asked the witness on the ground and for the reason that it is incompetent,irrelevant and immeterial,and not proper cross examination.
A-What is the question?
319 Q-Had the church any other doctrines other than these you have ennumerated,prior to 1844? A-Not any new doctrines before that that I ever knew any thing about,but I have heard of doctrines,and doctrines and schisms and every thing in the church since that time.
320 Q-Well I am asking you as to what was the doctrines of the church prior to 1844? A-Well sir that was the doctrine of the church at the time I joined it and embraced those doctrines,and what I consider to be the doctrine of the church that I now belong to.
321 Q-That is your opinion? A-No sir,that is my knowledge.
322 Q-Do you know upon what books the doctrine of the church was based?
Counsel for the plaintiff objects to the question asked the witness on the ground and for the reasonthat it is incompetent,irrelevant and immeterial,and is not proper cross examination."
A-What books?
323 Q-Yes sir? A-In what way?
324 Q-Will you say upon what books the doctrine of the church is organized or based? A-Yes sir.
325 Q-Well what are they? A-Well sir the doctrine of the church is organized according to the new testament doctrine.
326 Q-Well then the new testament is one of the book upon which the doctrine of the church is based?
A-Yes sir.
327 Q-What also is there? A-That is all. It was organized upon the new testament system,also the prophets, etc.
328 Q-Is there any other book besides the new testament that is an authority in the church? A-Yes sir.
329 Q-What is it?
Counsel for the plaintiff objects to the question asked the witness for the reason that it is not proper cross examination,and is incompetent and ireelevant.
330 Q-What is it? A-We believe the book of Mormon to be a true history.
331 Q-Anything else? A-Yes sir,-we believe the book of Doctrine and Covenants to be an inspired book,-that is we believe its contents to have been inspired. We believe it is inspired for the doctrine of the church
332 Q-Well is there any other book? A-No sir.
333 Q-That is all? A-Yes sir,that isall.
334 Q-What church do you speak of now? A-I am speaking of the Church of Josus Christ of Latter Day Saints.

335 Q-At what time? A-Now,ever since it was organized, and for all time.
336 Q-That is your belief? A-Yes sir.
337 Q-Do you know whether there is,-whether as a matter of fact,there is any other book that the re-organized church believes in,and holds to as a basis for its doctrine?
Counsel for the plaintiff objects to the question asked the witness on the ground and for the reason that it is incompetent,irrelevant and immaterial,and not proper cross examination.
A-No sir.
338 Q-You don't know of any other? A-I don't know of any other book sir.
339 Q-There is just the new testament,the book of Mormon and the Doctrine and Covenants?
Counsel for the plaintiff objects to the question for the reasons above set forth.
A-I don't know of any other sir,besides the ones you have mentioned,but the bible.
340 Q-What is that? A-The bible,-the old and the new testament.
341 Q-Do you know of any book that is held as an authority in the reorganized church,called,or known as the "inspired translation"? A-Oh yes sir.
342 Q-Well what is that? A-That is what we call the bible,-that is what we term the bible.
343 Q-Do you accept that? A-Yes sir,I endorse the inspired translation,and believe it to be correct.
344 Q-You endorse it and believe it tobbe correct? A-Yes sir.
345 Q-Does the church also accept it as correct and endorse it? A-I could not say as to that,but I believe they do sir.
346 Q-Did you have that inspired translation in the church prior to-1844?
Counsel for the plaintiff objects to the question asked the witness on the ground that it is incompetent,irrelevant and immaterial,and not proper cross examination.
A-No sir.
347 Q-What is that? A-I said no.
348 Q-When did you first find it as an authority? A-Well really I con't tell you when I read the new translation. It was translated in Joseph's day,but it was not printed then.
349 Q-Do you know whether or not it was ever adopted by the re-organized church?
Counsel for the plaintiff objects to the question asked the witness for the reasons above set forth.
A-I think that it was adopted by the re-organized church,but when and at what time it was adopted and endorsed by the re-organized church I don't know. I don't know that there was any special time that it was adopted by any conference or gathering of the church but it was endorsed as a divine inspiration, but what effect that endorsation had,I donot know.
350 Q-Was it or was it not endorsed after 1845 and before 1847 by the authorities there then? A-In Nauvoo?
351 Q-Yes sir?
Counsel for the plaintiff objects to the question asked the-witness on the ground and for the reason that it is irelevant and immaterial,and not proper cross examination.
A-I don't know as It was endorsed in Kirtland at all.

352 Q=I am not talking about what occured at Kirtland,-
I am talking about at Nauvoo,and what occured there
A-What is that.
353 Q-I say I am talking about Nauvoo? A-Do you refer
to this translation?
354 Q-Yes sir? A-It was talked of as a re-translation
of the bible but it was not published or printed in
Nauvoo.
355 Q-Not even by Brigham Young was it? A-No,I don't
think it was.
356 Q-What was the"seventy" to which you were xx intro-
duced,and belonged? A-What wasxhxxx it?
357 Q-Yes sir? A-I don't understand what you mean,-ex-
plain yourself?
358 Q-What seventy was it? A-The 16th seventy sir.
359 Q-What,-when do you say that you first heard of the
doctrine of polygamy? A-Well the first that I ever
heard of the doctrine of polugamy,was in the fall or
spring of '35.
360 Q-The fall or spring of '35? A-No that is a mistake,
-I mean '45.
361 Q-Well in the fall or spring which was it? A-Well
it was either in the fall or winter of '45 or the
spring of '46.
362 Q-Well why did you not,-first I will ask you to state
which it was the fall of '45 or xinxxx the fall of
'46? A- Well it was in the fall of '45 andxthrough
the winter and along up in the spring of '46. It
was introduced about a year after the death of Joseph
Smith.
363 Q-About a year after the death of Joseph Smith?
A-Yes sir,I think so.
364 Q-About what time of the year was Joseph Smith killed
A-He was killed in the fall.
365 Q-Of what year? A-1844.
366 Q-Joseph Smith was killed in the fall of 1844? A-Yes
sir I think it was. It was in the fall or summer
some time.
367 Q-Do you recollect the time that he was killed? A-I
recollect the circumstance,but of course I was not
present at the time he was killed.
368 Q-Where were you at the time he was killed? A-I was
at Layhart.
369 Q-Where is that? A-That is in Illinois,eighteen
miles from Nauvoo and sixteen miles from Carthage
where he was assassinated.
370 Q-Can you remember the kind of weather it was atthe
time he was ass assinated? A-Well I don't know that
I can. I can't remember that there was any extra-
ordinary kind of weather at that time.
371 Q-Well was it not in.fact in the summer time? A-No
sir I thinnk not,-not early in the summer any way.
I rather think it was in August or September. I
think it was some where along about there,but I am
not positive about it.
372 Q-Well was it not in fact in June? A-I can't say.I
don'tx think it was.
373 Q-It was not in June? A-I think not. I am kind of
forgetful about these things,and I don't remember the
month. It might have been in the summer.
374 Q-Did you see Joseph Smith after his death? A-Yes
sir I saw him after he was assa ssinated.
375 Q-How did you happen to see him? A-I went there to
Nauvoo to see-him sir,and I did see him"
376 Q-When was that? A-That was right awayx after he
was assassinated,after they got him back to Nauvoo
of course, We got the news

there at our place that he was assassinated,and of course immediately there was a great rush to Nauvoo, and I went to and saw him". It was right away after they brought him back to Nauvoo that I saw him because it was before he was laid out.

377 Q-Now you said that after the death of Joseph Smith you became a member of the quorom of seventy? A-Yes sir.

378 Q-It was the 16th quorom of seventy's? A-Yes sir.

379 Q-At what date in the fall was it that you became a member of the quorom of seventy? A-I am not positive I could not give it a date because my memory would not let me. That is something I cannot answer sir.

380 Q-Well was it in the fall? A-Yes sir.

381 Q-Of 1845? A-Yes sir.

382 Q-Where was it that you first heard this question of polygamy discussed or spoken of? A-Where did I first hear of it?

383 Q-Yes sir? A-I was in Nauvoo sir. I have stated that at least ten times since I began here to day.

384 Q-Well I don't think you stated it to me before,and you know I have a right to it? A-Well it was at Nauvoo.

385 Q-At what season of the year was it that you heard it discussed first? A-I was called in there to Nauvoo with all the surrounding branches by Brigham Young's proclamation,at the time that the people not members of the church were gathering in mobs for the purpose of doing violence to the Saints and persecuting them,for at that time we were advised to gather into Nauvoo so that we could the better protect ourselves from the violence of the mob,and so I went in there for winter quarters in the fall of '45,and I lived there through that winter and in the spring of '46 I left there?

386 Q-Well what time in the fall of '45 did you go in there? A-Well I can't say but it was along in the fall some time,-I think in the latter part of September.

387 Q-How long had you been there at Nauvoo before you were made a member of the quorom of seventy? A-Not a great while.

388 Q-Well about how long? A-I can't say,but it was not a great while.

389 Q-How on what occasion did you first hear of this doctrine of polygamy? A-Well I can't say, I can't say what was the first I heard of it,but the first positive evidence I had of its being the doctrine taught by Brigham's organization,was when it was presented to my quorom. I had heard rumors of it before that time,but that was the first I ever heard of its being the doctrine of the organization they had there that Brigham Young was the head of it.

390 Q-Well I asked you on what occasion did you first hear of it the doctrine of-polygamy? A-Well that would be hard to say,for I heard of it from a great many sources. From any source you might say for it was a matter of common talk-there during the winter,-It was marrying for eternity,so as to get their wife I supposed.

391 Q-Well now I want you to locate the time you first heard of it? A-About plural wives,-

392 Q-Yes sir? A-Well I have told you about that.

393 Q-Now you say that you heard of it in your quorom of seventy,and now I want to know if you heard of it before that time,and if so tell me from whom you heard it? A-I have told you time and time again that it was a matter of common talk there in Nauvoo during

that winter,and I stated that I had heard rumors of it before it was officially presented in the quorom, but I cannot begin to tell you who I heard speak of it,-that is something beyond my power,for I do not remember it. Now when I come to think of it I don't think that i did hear of it,-I might have heard rumors of it before I went on that quorom of seventy,- but I rahter think I did not,but at any rate pretty soon after I went on that quorom we were called together and instructed that that was a doctrine that we would have to preach if we were sent out,and I repudiated it,and then I was cut off for my action.

394 Q-That is what you were expelled from the quorom for? A-Yes sir.

395 Q-For your refusal to agree to teach polygamy? A-Yes sir.

496 Q-How long did you belong to the quorom? A-Not a great while.

398 Q-Well about how long? A-Just a few months.

398 Q-Well state about how many months you belonged to it? A-Well may be five or six months,-something like that.

399 Q-Did you hear it preached at the time you joined the quorom? A-I said a xxx while ago that I had,but that was owing to the fact that I misunderstood the question;for I never heard it preached.

400 Q-Did you hear of,-did you hear it talked of at the time,or prior to the time that you joined that quorom A-No sir,but I-heard of the doctrine of sealing one woman to a man for eternity. I hoard of that but not about x polyagmy.

401 Q-When did you hear that talked of? AA-At the introducrion of polygamy.

402 Q-Well when? A-Well at that time,-just a little before it,for that was introductory to polygamy.

403 Q-I understand you to say that you heard of the circumstance of xxxxxxxx women being sealed to men before you heard the doctrine of polygamy openly advocated? A-I never heard the doctrine of polygamy publicly advocated in the world. Never.

404 Q-You never heard of it publicly ? A-No sir,-I never heard it publicly advocated at all.

405 Q-Well how did you hear it? A-I heard it in the quorom at the time that I spoke of,but that was just to the quorom,and then I heard it talked about in a great many circles. It was a matter of common chat amongst the people in a private way that winter,but I did not hear it publicly.

406 Q-Well you did hear it taught in the quorom? A-Yes sir.

407 Q-When did you hear it taught in the quorom? A-Polygamy?

408 Q-Yes sir? A-Well that was in the spring of '45 I think. I joined the quorom in '45, and I think it was in the spring that it was taught to us there.

409 Q-If you joined the quorom in the fall of '45 it must have been in the spring of '46 that you heard it taught in the quorom,and not in '45? A-Yes sir it was in '46 and not in '45.

410 Q-When did you join the quorom? A-I think it was in the spring If '45.

411 Q-That was the time that you joined the quorom? A-Yes sir

412 Q-Well now the reason I-asked you that question is because,-?
A-Well '45 was the first time I ever heard of it,-x that is heard of polygamy.

413 Q-Well what season in the year was it that you first heard of it ? A-Well it was in the spring or winter. I don't make any.dates on it,for I don't remember,and I might possibly be mistaken about that.

414 Q-Now you say now that you became a member of the quorum in the spring of '45 A-Yes sir,I think that was the time.

415 Q-Well I understood you a moment ago to say that you became a member of that quorum in the fall of '45? A-Well that was the time I joined the quorum,-I did not understand what you meant,-I thought you referred to the time I first heard polygamy spoken of,and that was the time. I can't remember these things as to the dates that I heard this and that for I did not charge my mind with it.

416 Q-Well answer me this question,-did you hear polygamy spoken of before you were a member of the quorum of seventy? A-No sir.

417 Q-You are positive of that? A-Yes sir,for there was nothing known about polygamy-at the time ~~x~~ that I became a member of the quorum.,but it was not long after that that it was introduced as a subject of conversation,or common chat.

418 Q-Well you now say you joined the quorum of seventy in the spring of '45? A-I think it was.

419 Q-Well I want you to be as nearly accurate about that as you ~~xxx~~ ~~xx~~ possibly can be? A-Well I think it was some where near that time. I can't be positive,but I think it was some where near thown.

420 Q-Then you must have become a member of the quorum of seventy in the spring of '45 and not in the fall of '45? A-In the spring?

421 Q-Yes sir,I say you must have become a member of the quorum ~~of xxxxxxx~~ which you joined in the spring of '45 instead of in the fall? A-Well I am not positive as to whether it was in the spring or in the fall. I could not say positively as to that sir.

422 Q-Is there not something that will enable you to fix the time with reference to the season of the year that you joined that quorum? A-I can't say,-I can't tell you positively when it was.

423 Q-Well can't you call to mind something with reference as to what kind of weather it was,that will enable you to fix more definitely the time of year it was? A-It was a long time ago-that all this occured,and I am a little forgetful about these things,and I don't know that I can recall anything that will help to fix that in my mind. I don't know that I can recall anything that will fix it in the spring or in the fall.

424 Q-Well you say that you heard it spoken of after you joined the quorum of seventy? A-I did.

425 Q-Now did you hear it spoken of in a meeting of the quorum? A-Yes sir.

426 Q-How did it come up in the quorum? A-The quorum was called together specially for that matter to be presented to them,and that question was propounded to the quorum that I belonged to by its President,and he wanted to know if the members of the quorum would agree to teach that principle,-that is the principle of plural marriage or polygamy as it is called,in case they were sent out to preach the faith as it then existed,and the statement was made by the quorum ~~xxxxxxxxxxxx~~ if there was any body there that would not agree to-~~xxxx~~ preach and teach it they would be expelled. That is what I know occured in the quorum that I belonged to,and I understand that all the other quorums were called together,and asked the same question.

427 Q-Who was the first man that approached you on the subject? A-Upon the question of polygamy?

428 Q-Yes sir? A-Well that was the time,but I had heard it talked of before.

429 Q-You had heard of it before? A-Yes sir I had heard rumors,but nothing that I could call definite.
430 Q-Now when did you first hear it spoken of? A-Well I could not tell you that. I could not say,for for a while there was not much else talked of.
431 Q-Well I think it is hardly necessary to ask you for the name of the the first man or person you heard speak of it? A-Well I could not tell you if you did
432 Q-Well can you give me the names of some of the first persons you heard speak of it? A-Heard speak of it,-? In what way?
433 Q-That spoke to you on the question of polygamy? A-Well I talked with Reynolds Cahoon of the temple Committee,and I was pretty well acquainted with him, and I talked with him in the winter of '46,and I talked with others,-quite a good many men of considerable distinction upon the subject,-that is I talked with quite a considerable number of men of distinction in the church,whose names I can't give you now,but I talked with them on the subject,and some of them agitated every extreme action.
434 Q-Now you have mentioned Reynolds Cahoon? A-Yes sir
435 Q-And there was others ? A-Yes sir,there were others ,whose names I cannot remember.
436 Q-Well who did you hear else? A-Well I heard Brigham Young preach advocating polygamy at Layhart.
437 Q-You heard Brigham Young preach at Layhart? A-Yes sir.
438 Q-When was that? A-That was in the fall of '45,-he preached a sermon there that was very much contaminated with polygamy.
439 Q-Now you took a covenant there did you not,-there at Lanco? A-Yes sir.
440 Q-Well when did you take that? A-Well that was about the same time.
441 Q-To go back,I will,ask you for the time you had your first conversations with any one on that subject,-that is on the subject of polygamy? A-Well I can't say,for I suppose I have talked with fifty people on that question,and I could not begin to tell you when I had the first talk on the matter.
442 Q-You say you do not remember the name of the first manthat spoke to you on that question? A-I can't remember the name.
443 Q-Now is it not likely that you would be able to remember the name of the first man wihO-approached you on a subject of such grave importance to the church as the question of polygamy was? A-Well I learned from those who went into the endowments that it was introduced there as one of the ceremonies in '45.
444 Q-Well I am talking about the matter of polygamy? A-I can't give you the name of the first person who spoke to-me about it.
445 Q-
445 Q-Now with reference to the endowments,-can't you give me the name of the first man that spoke to you on that question? A-No sir.
446 Q-Well I will ask you if it is not likely that you would remember the name of the person who first spoke to you upon a question of such great importance to the church? A-I cannot remember,but as I said before I talked with some persons who took the endowment there,and they informed me that they were introduced as a part of the ceremonies in the church in '46. I have talked with different ones who have been through the endowments, and some of them were sealed.
447 Q-Well I will ask you if it would not have shocked you for some

one to approach-you on the question of polygamy,-if such an approach would not have been shocking to you? A-Well it was not on the streets.

448 Q-Well I am not asking you anything about the streets or that occured on the streets,-I asked you if it would not have shocked you for some ~~xx~~ one to approach you on the question of polygamy? A-Well sir I wanted you to understand that I was never approached to endorse the system at all.

449 Q-Well I am not asking you that either. I asked you if it would not have shocked you,and did it not have that effect on you when the question was first broached in your presence? A-I did not like it I can assure you,-it was not very palatable to me,-on the contrary it was very distasteful to me.

450 Q-Well if it had that effect on you why is it that you cannot remember who it was ~~xxx~~ first spoke of it? A-Well,as I before told you I don't know that I can give you the date or time that it was first spoken of in my presence,or the name of the party who first spoke of it,-in fact I am sure that I cannot do that,but it was some thing like eighteen months or such a matter after Joseph's death. Well perhaps it was not even over a year after Joseph's death that polygamy was introduced,or became talked about as a matter of more or less general conversation.

451 Q-Well how comes it come that you can state it was over a year,or within a year after Joseph Smith's death that you heard it,-that it became talked about, and you cannot state when it was first talked about? A-Well I can remember these things in a general way of course,but all this occured so long back,-nearly fifty years ago it was,-that I cannot remember who I first heard talk about it,or when I first heard it talked about only in a general way.

452 Q-Well I will ask you if such a revolting doctrine did not make an impression on your memory? A-Certainly,I remember right well the fact that it was spoken of to me and that I did not approve of it,and so expressed myself at the time. I would not remember however that I heard it at such and such a time.

453 Q-Would it not be impressed upon your memory so that you could ~~xx~~ specify the names of the persons who you first heard speak of it? A-Well I could specify the names of a great many men if I felt so disposed.

454: Q-What is that? A-I say I could state the names of a great many men o I heard speak about it if I felt so disposed.

455 Q-Well are you disposed to state their names? A-Yes sir.

456 Q-Well who are they? A-I heard Phineas Young and quite a number of ~~xxx~~ different men that I was associated and acquainted with talk about it. It was not a matter that was kept secret,-it was a matter that was talked or there freely.

457 Q-Well now you have mentioned two men,-~~B~~ Cahoon and Young as being parties whom you heard speak of this doctrine? A-Yes sir.

458 Q-Well now can you mention any others? A-Well sir I could mention the whole community if I could think of their names,but there was but very few stayed where I did at that time in that community at that time,-

459 Q-Stayed where you did,-what do you mean by that? A-I meant to say that there was but few that stood where I did in the repudiation of that doctrine,for I repudiated it and would not have anything to do with it whatever.

460 Q-Well how many did stand at that time where you did? A-Well there was not many".
461 Q-Well about how man? A-Well there was not more than one in ten.
462 Q-How many would you put the number at that repudiated that doctrine? A-I can't say,but there was now and then one that would not endorse that doctrine
463 Q-Well was there one hundred at Nauvoo that would not endorse it? A-Yes sir.
464 Q-Well was there more than one hundred? A-Yes sir I think there was.
465 Q-Well about how many was there that repudiated that principle? A-In Nauvoo do you mean?
466 Q-Yes sir? A-Well there was probably two times that amount.
467 Q-May be there was two hundred at Nauvoo that refused to accept or endorse that doctrine? A-Yes sir.
468 Q-That would not endorse the doctrine of poly.,amy? A-Yes sir.
469 Q- Do you mean also the sealing of wives? A-Yes sir
470 Q-How you have spoken of the endowments there at Nauvoo? A-Yes sir.
471 Q-There was endowments conferred there? A-Yes sir
472 Q-I believe you stated that you never took any of the endowments there? A-No sir.
473 Q-You did not take any of them? A-No sir.
474 Q-~~Have~~ Were you ever invitied to do so? A-Yes sir.
475 Q-When? A-In '46.
476 Q-In what part of '46? A-In the winter of '46.
477 Q-You have said that you did not know of any endowments being practiced prior to that time have you not? A-I said I did not know of any endowments in the old church but the endowments at Kirtland temple, for they had an endowment there at one time,and I know-of no other endowment that was ever practiced in the church except ~~x~~ the endowment at Kirtland temple after,-I mean at the temple in Nauvoo,after the death of Joseph Smith,. That is what I said I think,and if I did not say it,that is what I intended to say.
478 Q-How can you say that the endowments that were practiced in '45 and '46 had not been practiced in '44? A-Because I know nothing of it in '44 but I did in ?46.
479 Q-And that is the only reason why you say it was not practiced in '44 A-Yes sir.
480 Q-Because you had not heard of it? A-No sir,and I ~~wilbecause~~ will say that I think it could not have been practiced without my hearing of it. I never heard it,and I think I should have known of it if I had heard of it.
481 Q-Is there any record of these endowments that were practiced in Kirtland? A-There is no record that I know anything of.
482 Q-And so you did not know of nor hear of any endowment that was practiced in the church from the time of the endowments at ~~Xx~~ Kirtland until the time of the Nauvoo endowments? A-No sir I did not know of any endowments being practiced in the church before the time of the Kirtland endowments,until the time that the endowments were practiced at Nauvoo,after the death of Joseph Smith.
483 Q-When did you say that the endowments were practiced in Nauvoo? A-That was in the winter of '46 that they were practiced there.

That is when they were practiced there in Nauvoo.
484 Q-Can you say also on the same principle that any one practiced polygamy in Nauvoo in 1845? A-Until 1845?
485 Q-I asked you if you could say from the same principle that any one practiced polygamy in Nauvoo in the year 1845? A-In the fall of '45,-the winter of '45 I believe it was,but there was a few of them practicing polygamy.
486 Q-You know that to be a fact? A-I have the best reason in the world to believe that it is a fact.
487 Q-Could you say as a matter of fact that they had not been practicing it long prior to that time? A-I could not say.
488 Q-Well could you say that they had not been practicing it long prior to that time? A-I say I couldn't say for if they had been at it before that time it was done on the sly and was not openly and publicly advocated as a publick doctrine.
489 Q-Then what you mean to say is that polygamy was not advocated publicly,prior to the fall of 1845? A-Yes sir.
490 Q-That is what you mean to say? A-Yes sir.
491 Q-How do you mean to say that it was not practiced privately,by the head men of the church prior to that time? A-No sir,I mean to say that I don't believe it was. I don't believe it could be so and I not have heard of it,but if it was it was done mighty sly,and they took might good care to keep it secret,-and not let it get out,but I don't believe there is anything in that. I know I never heard of it before '45 and my.
492 Q-And you say the same with reference to the endowments if they were practiced in the church prior to '45? A-Yes sir.
493 Q-Would you have heard of the endowments also if they had been practiced in the church prior to the death of Joseph Smith? A-Yes sir,I think I could.
494 Q-And what you say is that you did not hear of them before that time? A-Yes sir,and I believe they were not practiced until then either.
495 Q-Was it not publicly known that you were opposed to those principles or practices? A-It could not have been known for me I had not heard anything of it until that time,therefore it could not be known how I felt about it as there was no occasion for me to express myself.
496 Q-Well at the time it was first talked about it was well known that you were opposed to that was it not? A-In '46-it was.
497 Q-Well was it not also known prior to that time that you were opposed to it? A-No-sir,for I did not know anything about it. I never heard of these things until in '46 or just previous to that.
498 Q-You cannot say either that it was not practiced prior to-'44 privately and extensively? A-No sir I cannot say as to that for I don't know,and I don't believe that it was.
499 Q-Did you know anything about Bennett's secret wife system? A-Bennett's?
500 Q-Yes sir? A-Well no,-I don't know anything about his secret wife system?
501 Q-You say you don't know anything about that? A-No sir.
502 Q-Did you ever hear it spoken of there in Nauvoo? A-No sirI never heard of a secret wife system.
503 Q-Did you ever hear of a secret wife system of any body's there in Nauvoo? A-No sir,no more than plurality,and the common practice

of sealing in the temple,-dealing man and wife.

504 Q-Did you ever hear of any secret wi fe system prior to 1844? A-I think it was early in 1845 that John C Bennett was expelled from the church there and complaint of intimacy with a woman,and xxx he xxxxxxxx then turned a persecutor of the church,and wrote a pamphlet in opposition to the church,denouncing the elders,etc.

505 Q-He wrote a pamphlet against the church? A-Yes sir, and there w s one sent out against him in reply I think. It was not xxxxxxxx particularly on the spiritual wife doctrine,but it was on account of John C Bennett's conduct with a certain lady, and that circumstance created quite a stir for Mr Bennett was quite a conspicuous character in Nauvoo at that time.

506 Q-What was it created the stir? A-His expulsion fro. the church and that was for the reason of his conduct with this woman,and that matter created a great deal of comment in the church on account chiefly of the conspicuous place that Mr Bennett occupied in the church.

507 Q-Now in what year was that? A-That was I think early in '45.

508 Q-How long,with reference to-that time was it,before you heard of the doctrine of polygamy? A-It was quite a while,-I can't say just how long it was,but it was quite a while.

509 Q-Well about how long was it afterwards before you heard the question of polygamy talked of or mentated in the church? A-Well as I say I could not state the time exactly,but it was nearly a year after that. It was nearly or quite a year after that before I heard anyxxxx thing about polygamy.

510 Q-Nearly a year after this trouble with Bennett? A-Yes sir,about that time I think.

511 Q-What was the definite cause of that trouble? A-Well that trouble with Bennett was caused by his living in a house with a woman by the name of Mrs Orson Pratt,. They accused him of undue intimacy with Mrs Pratt,and there was quite a row among the sisters. I can't recollect just how it all was, but any way the up shot of it was that he was turned out of the church,and after he was out of the church in revenge I suppose he turned around and wrote xxx against the church.

512 Q-Who did you say this woman was that he was accused of being unduly intimately with? A-Mrs Orson Pratt.

513 Q-Was that Orson Pratt's wife? A-Yes sir.

514 Q-Where was Pratt at that time? A-He was in England

515 Q-X Do you remember about the time of the destruction of the Expositor? A-Yes sir.

516 Q-You remember that circumstance? A-Yes sir.

517 Q-Well when would you place that date? A-Of the destruction of that paper,or its office?

518 Q-Yes sir? A-Well that was but a short time I think before Smith's death. That was in '43 I think or probably in the early part of '44. Now as I said before with reference to these dates It is something I can't remember,and I only give the dates as nearly as I can remember.

519 Q-Well about how long before his death was it? A-I can't say,but my impression is that it was only a short time before it. He was the Mayor of the city at the time it occured,-that is at the time of the destruction of the Expositor.

520 Q-Do you remember anything about the reason the Expositor was destroyed?

Counsel for the plaintiff objects to the question asked the witness on the ground and for the reason that it is incompetent,irrelevant and immeterial,and not cross examination and hearsay.

A-Yes sir.

521 Q-Well why was it destroyed if you know? A-It was declared a nuisance by the city council,and Joseph Smith was notified as Mayor of the City to have it destroyed or suppressed,and he objected so I understand,for recollect I am not stating whatI have been informed,-he objected to doing so,so I was informed, but they insisted upon it,and so it was distroyed.

522 Q-Who insisted upon it?

Counsel for the plaintiff objects to the question asked the witness on the ground and for the reason that it is incompetent ,irrelevant and immeterial,and not proper cross examination.

523 Q-Answer the question? A-The city council.

524 QQ-And so it was destroyed? A-Yes sir.

526 Q-Do you know what was the matter with it?

Counsel for the plaintiff objects to the question for the reasons above set forth.

A-Yes sir.

527 Q-Well what was the matter with it? A-Well it was a nuisance.

528 Q-Well what made it a nuisance?

Counsel for the plaintiff objects to the question for the reasons above set forth,and for the reason that it calls for an opinion of the witness.

A-Well there was written and published in that publication slanderous stories about A,B and C and others, and these slanderous stories were written by parties who had left the church.

529 Q-What was the nature of the stories or exposures?

Counsel for the plaintiff objects to the question asked the witness for the reason that it is incompetent,irrelevant and immeterial,and not cross examination,and calls for an opinion of the witness.

A-Every kind of a slander was charged that they could bring upon the church,-everything vile and slanderous that they could bring against the church they did so.

530 Q-Did you ever see a copy of the Expositor?

Counsel for the plaintiff objects to the question asked the witness for the reason that it is irrelevant and immeterial.

A-Yes sir.

531 Q-Did you ever see the last copy of the Expositor?

A-I could not say whether I did or not.

532 Q-Do you know how many copies of it were published?

A-I don't know.

533 Q-You don't know how many,copies of it were published

A-No sir.

534 Q-Do you know whether or not there was more than one?

A-I rather think there was more than one published,but I could not say positively,for I did not charge my mind with it,but I think there was more than one.

535 Q-Did you ever see a copy of it?

Counsel for the plaintiff objects to the question asked the witness on the ground and for the reason that it is irrelevant and immeterial and not cross examination,

A-Yes sir,I did.

536 Q-Do you know what was in it? A-No sir. I read it but it has all passed out of my mind,and I cannot say what was in it,or what it contained

524 Q — Why was it destroyed? A They destroyed it as a nuisance.

537 Q-You remember that it was slanderous? A-Yes sir, and that these slanders were particularly aimed at Joseph Smith. I remember that.

538 Q-Did you read it about the time that it was published?

Counsel for the plaintiff objects to the question asked the witness on the ground that it is not cross examination and is irrelevant and immaterial.

A-Yes sir.

539 Q-Look at the paper I hand you,and state whether or not that is it? A-Well yes sir it was a paper about the size of this one,and probably this is it. If I read anything in that paper I don't recollect what it was. I remember that it was called the Expositor and I remember the strain of the paper, and they slandered everything that they considered derogatory to their views,as they were the dissenting party in the Church,and it was published and sustained by the parties that had been disfellowshipped by Joseph Smith.

540 Q-Who were these parties? A-Well there were such parties as Dr Foster,and Law,and a few others that got together of that same stripe,and they were the institutors of that paper,and they made it their business to slander everybody that had anything to do with the church.

By Mr Kelley,-"All this is objected to on the ground that it is not cross examination and is immaterial."

By Mr Youngren,-

541 Q-Was William Law one of these parties that you spoke of?

Counsel for the plaintiff objects to the question for the reasons above set forth.

A-I think he was.

542 Q-Could you know whether he was or was not? A-I say I think he was then,he but if he was not at that time he was soon afterwards. It was not long after that that he went with them if he was not acting with them then.

543 Q-He acted against Joseph Smith then? A-Yes sir he became a bitter enemy of Joseph Smith.

544 Q-Was Austin Cowles one of these parties? A-That engaged in this enmity to Joseph?

545 Q-Yes sir,if you desire to put it that way? A-Yes sir.

546 Q-Was Jane Law in any way connected with it?

Counsel for the plaintiff objects to the question asked the witness on the ground and for the reason that it is immaterial,and not proper cross examination.

A-Well now I don't know that he was.

547 Q-I said Jane Law? A-Jane W Law?

548 Q-Yes sir,the wife of William W Law? A-What do you want to know about her?

549 Q-Was she engaged in it in any way? A-Not that I know of sir,but she might be mentioned in it too, I don't know how that is sir,but I don't recollect about her having anything to do with it.

550 Q-Do you recollect whether any of these slanders you refer to had any reference to a revelation?

Counsel for the plaintiff objects to the question asked

~~XXX XXXXXXX~~ for the reasons above set forth.

A-Did what?

551 Q-I asked you whether any of these slanders you refer red to,referred to an alleged revelation by Joseph Smith? A-No sir.

I don't know that I know it,-I don't know that I do.
552 Q-Well did you not hear that that was the case? A-No sir I never heard of it at all then.
553 Q-Did you heard that any time? A-I know that some time after his death it was alleged that he had a revelation on plurality of wives.
554 Q-It was alleged that Joseph Smith had a revelation on that? A-Yes sir,but i never believed it,-I did not believe it then,and I don't believe it now.
555 Do you know whether anything of that kind was charged against him in that paper that you speak of,-that paper or publication called the Nauvoo Expositor? A-Well now I don't remember that it was.
556 Q-Could you say that it was not?
Counsel for the plaintiff objects to the question and the witness on the ground and for the reason that it is irrelevant and immaterial and not cross examination.
A-I can't say.
557 Q-Well that is your best recollection about that? A-I am not sufficient enough with the paper to state anything ~~about~~ that,and my memory is not good enough to say whether it was or was not.
558 Q-Is your memory good enough to say that there was an affidavit appeared in that paper signed by William Law? A-I don't remember sir,but I have heard;William Law's testimony of that subject.
559 Q-On what subject? A-That is against Joseph Smith.
560 Q-Do you recollect whether or not he been there any before the death of Joseph Smith?
Counsel for the plaintiff objects to the question for the reasons above set forth.
A-I know he did.
561 Q-Well what do you know about it? A-I know he bore testimony before the grand jury against Joseph Smith.
562 Q-He did? A-William Law did.
563 Q-That was before his death? A-Yes sir before Joseph's death.
564 Q-Do you know what the charge was?
Counsel for the plaintiff objects to the question and the witness on the grounds above set forth,and on the further ground that it does not call for the best evidence
A-Yes sir.
565 Q-What was it? A-I heard his oath sir for I was one of the grand jury that took his testimony,and his oath was that Joseph Smith had violated the duties of his office in the church and other wise,-at least he swore that Joseph had violated the rules of propriety,by advancing his wife immodestly and improperly.
566 Q-For "advancing his wife?" A-For advancing his wife improperly.
567 Q-Why,-how? A-Well that is what he said,and you can place your own construction on it.
568 Q-How should that be a charge before the grand jury? A-Well that is one of his evidences,and the grand jury,or its foreman told him to bring his wife there, but he did not do-so,for Mr Law said that his wife would not appear before the grand jury in the state of Illinois.
569 Q-Well I don't understand that yet,-tell us what the charge was? A-Well he said he advanced his wife improperly.
570 Q-Advanced his wife properly? A-Yes sir.
571 Q-Whose wife? A-Law's.

570 Q-Is that all he said? A-Yes sir.
571 Q-Well what then? A-Well we told him we did n ot want any more of his evidence if it was second-handed
572 Q-Well what else did he want to bring before that grand jury? A-Who?

573 Q-William Law? A-He did not bring anything else in himself.
574 Q-Well what else was brought in? A-There was another witness brought in and I think by a man by the name of Jackson.
575 Q-Well what did he charge? A-He stated that Joseph Smith kept a house for the deposit of stolen goods from Iowa,such as beef,etc.,and that it was brought over from Iowa and put in his cellar.
Counsel for the plaintiff objects to the last question asked the witness,on the ground that it is irrelevant and immaterial,and is not cross examination,and moves the court to strike the answer from the record for that reason
576 Q-Well was there anything also brought before that grand jury of which you were a member with reference to Joseph Smith's relation to other women? A-No sir. Nothing only what I told you about what Law testified to.
577 Q-Did you stated that Law swore that Joseph Smith had ravenced his,Law's,wife? A-Yes sir.
578 Q-Well will you explain what you mean by that? A-Well we understood that Joseph Smith had ravenced Law's wife for improper intercourse.
579 Q-Had made improper advances? A-Yes sir.
580 Q-To whom? A-To Mrs Law.
581 Q-Then he had made some one the agent by which he had improper Mrs Law? A-No-sir that he himself had improperly advanced Mrs. Law. He did it himself. Oh That is what Law said that Joseph Smith had improperly advanced his wife.

582 Q-He had done that? A-Mr Smith. Mr Law testified to-that himself but the grand jury told him he would have to bring his wife before them and let her testify herself that they could not take second handed testimony. When they told him that he must bring his wife before the grand x jury then Law said he would not do it.
583 Q-What

Could you be able to state what term of the court that was,-whether it was the spring term or the fall term? A-I think it was the fall term.
584 Q-You say it was the fall term? A-Yes sir,I think it was.
585 Q-Well if it was the fall term,would it have been on the October term? A-I can't say,but I know that it was just a short time before his death.
586 Q-Was there,or was there not indictments found against him at that time?
Counsel for the plaintiff objects to the question asked the witness on the ground and for the reason that it is incompetent,irrelevant and immaterial,and not the best evidence.
A-No sir.
587 Q-There was not any indictments against him you say? A-There was not any found against him by that grand jury.
588 Q-Do you recognize this which I am now going to read to you,as anything you saw or read at or about the time of the publication of the Expositor?
Counsel for the plaintiff objects to the question asked the witness for the reasons above set forth,and for the reas on that

which counsel for the defendant proposed to read, has never been identified.

589 Q-I will read as follows,-"The May term of the Circuit Court of this county closed on the 30th ultimo, after a session of ten days. We understand that a large number of cases were disposed of, none however of a very important character. The ~~xxxx~~ cases wherein Joseph Smith was a party, were transferred by a change of venue to other courts: That of A Sampson vs J Smith, for false imprisonment to Adams County; that of P. L. Higbee vs Joseph Smith for slander, one, that of C.A. Foster, vs Joseph Smith and J.V. Coolidge for false imprisonment, and that of A. Davis vs Joseph Smith and J.P. Green, for trespass, were all transferred to the county of McDonough. The grand jury found two bills against Joseph Smith, one for perjury and another for forni cation and adultery; on the first of which Smith delivered himself up for trial, but the state not being ready, material witnesses being absent, was deferred to the October term. "How do you remember of ever reading, or hearing of that publication?

Counsel for the plaintiff objects to the question asked the witness for the reasons above set forth.

A-I recollect something about the circumstances mentioned there.

590 Q-Well what do you recollect about it? A-I recollect of the change of venue being taken. He was taken back to Nauvoo instead of being taken to Missouri, and he was protected there by the citizens. By the members of the church.

591 Q-Do you recollect of seeing or hearing about that time, an affidavit of the following purport?

By Mr Kelley,-"We object to the answer of the witness and move the court to strike the whole of it from the record on the ground that it is incompetent, irrelevant and immaterial to any of the issues in this case, and there is no foundation laid for the introduction of the paper or any part thereof ~~xxx~~ from which counsel for the defendant has read an extract, and proposes to read further to the witness."

By Mr Southern,-

592 Q-Here is what I propose to read to you,-"I hereby certify that Hyrum Smith did(in his office), read to me a certain written document which he said was a revelation from God, he said that he was with Joseph when it was received. He afterwards gave me the document to read, and I took it to my house, and read it, and showed it to my wife, and returned it next day. The revelation (so called) authorised certain men to have more wives than one at a time, in this world and in the world to come. He said this was the law, and commanded Joseph to enter into the law. And also that he should minister to others. Several other items were in the revelation supporting the above doctrines." signed "We Law". Now I am not asking you whether what I have read is true or not, but whether you ever knew of an affidavit of this purport at the time spoken of?

Counsel for the plaintiff objects to the question asked the witness on the ground and for the reason "that it is incompetent, irrelevant and immaterial, and for the further reason that it is not cross examination and the paper from which he read is not identified, nor has the affidavit been identified by the witness."

593 Q-How did you ever hear, at or about that time, of the charge made in this affidavit which I have read?

A-No sir, I don't remember of any such a charge being made. I know there was a period when they circulated this report and had him arrested, but I don't remember anything about the kind of a statement that there is there. I know that

of which I was a member.

594 Q-Do you know whether or not this was one of the things that was objected to in the Expositor?
Counsel for the plaintiff objects to the question asked the witness on the ground and for the reason that it is incompetent,irrelevant and immaterial,and not proper cross examination,and no foundation laid for asking the question
A-I don't know.

595 Q-Do you know anything about that? A-I don't know that that was one of the identical things that caused them to declare it a nuisance,and I don't know that it was declared a nuisance on any specific ground, but I know that the city council did declare it a nuisance and it was destroyed,but in which direction ,or by what directions it was deemed a nuisance I don't know anything about that.

596 Q-Will you tell me some of the directions in which it was declared a nuisance?
Counsel for the plaintiff objects to the question for the reasons
Prov. rec form.
A-I don't know anything about it,and I don't pretend to know anything about the reasons why they declared it a nuisance,and I don't know that they stated the reasons.

597 Q-Did you not say awhile ago that you saw this paper in Provo? A-Yes sir. That is what I said.

598 Q-Did you not say that you saw it at the time it was published? A-I did sir.

599 Q-Well what did you say about it? A-I said that I did not have seen it.

600 Q-Well what do you say about it now? A-I say now that I might have seen it. It is possible that I did see it,and it is possible that I might have read something in it at that time,-it is possible that I did,but if I did I don't remember,as I did not pay much attention to it,but there is no doubt of the fact that I saw it when paper before me now.

601 Q-Did you not say that you saw a copy of it at the time of its publication? A-Yes sir I think I saw a copy of it.

602 Q-And were you not acquainted at that time with its contents? A-With what?

603 Q-With the character of its contents? A-Yes sir I was I think by general conversation. I don't know that I read it at that time
but it was something that created a great deal of a stir there at the time it was published,and I think I got more acquainted with its contents by general conversation that was going on about it than in any other way. You must remember that there were two parties there in Provo at that time at strife with one another,and they were at each other personally,and in the press and through the courts,and in fact in every way they could.

604 Q-Did you know at that time that the question of plural wives was one of the questions that was agitated? A-No sir.

605 Q-You did not? A-No sir,I think not.

606 Q-Did you not know that there were charges of adultery being practised,and charges of a revelation on plural marriage having been received,and that the charge of the practice of plural wifery,were broadly asserted in that paper? A-I can't say. If I heard of it at that time I don't remember it now.

607 Q-Don't you remember what you read in that publication? A-No sir.

I don't remember anything about what was in it for I did not pay any attention to it. I don't even remember of reading a nything in it, for I made up my mind that it was the out groth of the war that was raging there at the time, and so I paid no attention to it.

608 Q-That is what you saw in answer the question I have asked you ? A-Yes sir.

609 Q-All those matters were matters that occured prior to the death of Joseph Smith? A-Yes sir. That is so, that the polygamy that I have testified I heard about was after the death of Joseph Smith.

610 Q-You heard about it then? A-Yes sirxI did after Joseph's death,-it was common talk then.

611 Q-You did not hear anythin, of that sort at the time of the destruction of the Expositor? A-No sir.

612 Q-Did you hear of sealing being taught at that time? A-When?

613 Q-At the time of the destruction of the Expositor"? A-Yes sir.

614 Q-What did you hear about that? A-I heard of sealing, a man up to over lasting life.

615 Q-Will you say that at the time of the destruction of the Expositor? A-No sir,that was in the early days of the church, old Father Smith living the patriarchial life,

and we called it sealin, then up to eternal life,but that was not sealing a man wife to him,for that was another thing entirely.

616 Q-That was not the same kind of sealing as sealing a man wife to him? A-No sir,that matter of sealing a man wife to him was quite another thing.

617 Q-So then I understand you to-testify here,that at about the time of the destruction of the Expositor, and prior to the time of the death of Joseph Smith, you never heard any charge made against him,or against any one else,in the church with reference to polygamy? A-No-sir.

618 Q-You never did? A-No sir,I don't know that I did.

619 Q-Now with reference to plural marriage? A-No sir, not to my remembrance I did not. I don't remember of ever hearing anything of the kind,and I think If I had heard it I would have remembered it. Now there was a good deal of surmising going on, and talk in certain quarters but I paid no attention to it, enough.

620 Q-There was that going on? A-Oh in certain places.

621 Q-Will state some of the places? A-Well as I said before there were two parties there and they were chasing each other,and I had my confidence with the party that remained with the church,and I did not have a bit of confidence in the party that dissented from the church. Now I may be produjiced or what ever you choose to call it,but I reposed my confidence in Mr Smith and the party that stood by him, and so I paid no attention to what this other party said for I knew right well that they would not stop at anything to attain their end which I verily believe was the ruin of the church,and they came pretty near succeeding in their design too as it turned out. Mr Smith had my confidence then,and the party that were with him had it then as they have ~~in~~ now.

622 Q-Well you say there was surmisings prior to his death? A-Yes sir. Yes sirthere was,and clear back in the origin of his history there was.

623 Q-Well what were they? A-Well he had trouble in Kirtland.

624 Q-Well what were they? A-What was what?
625 Q-What were these surmises that caused trouble in Kirtland?
Counsel for the plaintiff objects to the question asked the witness for the reason that it is not cross examination, and is irrelevant and immaterial, and calls for an opinion of the witness, and hearsay testimony.
A-Oh different things,-some of the people were not satisfied with their position in the church and others were not satisfied with the doctrine and so forth. There was dissatisfaction there at that time for five or the more of twelve apostles at the

time he left the church, but it survived it as it had survived greater troubles and perils.
626 Q-What were these surmises concerning? A-Different things.
627 Q-Well state some? A-I couldn't state all of them.
628 Q-Well state some of them? A-Well I can't say that I can state specifically that it came only it

was trouble with this and that. They left the church they claimed to be good strong people they left for they were good religious people, or claimed to be.
629 Q-Was any of these surmises with reference to the book of the Mormon? A-I believe in some instances it was,-that was a cause of trouble also I believe.
630 Q-Was any of these surmises with reference to the revelations of God? A-That Joseph taught?
631 Q-Yes sir? A-I believe they were. With reference to the revelations,-no sir I don't know that they were.
632 Q-Did they or did they not believe or disbelieve any doctrine strongly? A-What is that?
Counsel for the plaintiff objects to the question asked the witness on the ground and for the reasons above set forth.
633 Q-Did they imagine that he had doctrines which he began to teach that were not taught publicly? A-They disagreed his personality principally on account of his,because of his personal position. The people, or some of them were dis-satisfied with his doctrine, and they disagreed with it, and were unreal-

ized.
634 Q-I will ask you this question,-were there any surmises with reference to his relations with other women? A-I never knew anything about it. I will call her occurence.
635 Q-What was this "her occurence"?
Counsel for the plaintiff objects to the question asked the witness on the ground and for the reason that it is

incompetent, irrelevant and immaterial and irrelevant, and for the reason that it is not cross examination.
A-Well I have told you.
636 Q-Well I don't know what it was, so tell me again that I may understand it? A-It was that Joseph had an advanced his wife improperly.
637 Q-That was the low occurence? A-Yes sir. I have

told you that four or five times, and I am not sitting here to be made a fool of either.
638 Q-Now what makes you say in your examination in chief that you had never heard of these things prior to the death of Joseph Smith?
By Mr Kelley,-"The witness did not say so".
By Mr Southern,-"
639 Q-I know what he said. Why did you not say in your examination in chief that you had heard of these surmises prior to the death of Joseph Smith?

A-I heard a great deal said about him prior to his death, and I heard things said about him from the very origin of his history, and I heard a great many things that had no grounds for being said whatever, and which were false beds and proven to be so.

640 Q-Did you read any religious papers at that time?
A-At what time?

641 Q-While you were at Nauvoo in 1844? A-I don't understand that question.

642 Q-I asked you if you read any religious papers while you were at Nauvoo in 1844? A-Yes, sir.

643 Q-What were they? A-I took the Nauvoo paper that was published by the Church there, the Times & Seasons.

644 Q-Yes, took the Times & Seasons? A-Yes, sir.

645 Q-Will you go on and? A-Yes sir. I took it and read it while I lived there. I don't know that I remember it, in it, but I read it I suppose pretty well.

646 Q-Did you a regular reader of that paper? A-Yes sir.

647 Q-Was it a weekly or daily paper? A-It was a weekly I think.

648 Q-Did you read pretty much all that was in each issue of it? A-Well, perhaps I did. I can't say about that, but I think perhaps I did.

649 Q-Well, you read, you say in taking that publication? A-Well I do not just know, but I think I continued to read it for some little time after the death of Joseph Smith, but I don't just remember the time I stopped taking it.

650 Q-Were you a reader of that paper about March 15th 1844? A-Yes sir.

651 Q-Were you a regular reader of it about that time? A-I taken it. I don't think there is much doubt about that.

562 Q-Can you write without your spectacles? A-No, I could not see.

653 Q-Look at a communication purporting to have been published in that paper published March 15th 1844, and see if you can recognize it, [illegible] on of the paper? A-Is this it?

554 Q-Yes sir,-take your time and read it carefully? A-Yes sir.

655 Q-You recognize that? A-I recollect hearing something of the kind sir, but whether I read it or not I cannot remember, but I recollect hearing something to the effect sir. I recollect hearing of an article purporting on that subject sir.

656 Q-The date of the paper containing the article that you read is March 15th 1844, and it is found on page four hundred and seventy four in exhibit "G" Now my question did you read that letter written by Hyrum Smith at about the time it was published? A-I

can't remember whether I ever read it or not, but I recollect hearing something about it, whether I read it or not, I could not say.

657 Q-You recollect then, or hearing of the substance of what is in that letter? A-Yes sir.

Counsel for the plaintiff objects to the question asked the witness, on the ground that it is not cross examination and is incompetent, irrelevant and immaterial.

658 Q-When did you hear the substance of that letter? A-At what time?

659 Q-Yes sir,-was it about the time or the date of its publication? A-No sir, I don't know. I don't know. I don't know that I can tell you anything about it, sir,-that is I don't know that I can tell you when I did hear about it, because it has passed from my mind if

I ever did know.

660 Q-Where was China ~~Street~~ Creek? A-Where was China Creek?

661 Q-Yes sir, if you know where China Creek was you may state it? A-Well sir I don't understand you though.

662 Q-Do you know where China Creek was,-a place called "China Creek"? A-No sir.

663 Q-You don't know where it was? A-No sir, I don't believe I know anything about it. I don't believe I ever heard a place by that name.

664 Q-Did you know of such a place near [illegible]? A-There was a place called Silver Creek, but I don't know of any place by the name of "China Creek" near Nauvoo.

665 Q-You don't? A-No sir I don't know of any place by that name.

666 Q-Did you know a gentleman named Richard Hewitt? A-Richard Hewitt?

667 Q-Yes sir,-Richard Hewitt,-did you know a man by that name? A-Richard Hill?

668 Q-No sir,-~~Hill~~ Hewitt,-Richard Hewitt? A-No sir I don't believe I did.

669 Q-You did not know a gentleman by that name? A-No ~~x~~ sir I don't believe I did. If I did I have forgotten him.

670 Q-Do you remember seeing the publication of an affidavit published and signed by the members of the City Council of Nauvoo? A-About what?

671 Q-In which it was stated that John C. Bennett was not under duress at the time he testified before the city council on May 19th 1842 concerning Joseph Smith's innocence, virtue and pure teaching,-do you ever remember of seeing an affidavit of that purport such as I have stated, signed by members of the city council of Nauvoo?

Counsel for the plaintiff objects to the question asked the witness on the ground and for the reason that it is incompetent, irrelevant and immaterial, and not proper cross examination, and for the further reason that the city council of Nauvoo never signed such an affidavit.

A-I don't remember sir.

672 Q-You don't remember that? A-No sir, I don't remember of ever reading any such a thing, I don't remember of ever seeing that.

673 Q-Do you remember of ever reading an affidavit of Hyrum Smith's published in 1842, or about that time? ~~A-No sir I don't know that I ever did. I heard and read a great deal, but I don't remember anything particularly about that.~~ A-Did what Smith did you say?

674 Q-No sir, Hyrum Smith? A-No sir I don't know that I ever did. I heard and read a great deal, but I don't remember anything particularly about that.

675 Q-Will you look on page eight hundred and seventy, of Exhibit "D" at an affidavit and other matter there, and say if you ever saw it before?

Counsel for the plaintiff objects to the question asked the witness on the ground and for the reason that it is not proper cross examination and is incompetent, irrelevant and immaterial.

676 Q-Answer the question? A-I don't remember of ever reading that, sir.

677 Q-After looking at the matters that you have been called to your attention, do you swear now that you never heard of the charge of plural wifery as applicable to the Nauvoo church and other organizations,-other like organizations, before the death of Joseph Smith? A-You have refreshed my memory with reference to this man having been rebuked, and since my recollection has been refreshed on that point I recollect having heard of it before, but whether I read it

in the Times and Seasons or heard of it through another source I could not say.

678 Q-Well you heard of that? A-Yes sir.

679 Q-And you heard of it before the death of Joseph Smith did you not? A-It is likely I did.

680 Q-Well then what makes you say you never heard of polygamy in the church before the death of Joseph Smith? A-Well that was not teaching polygamy. That, I think was the first I ever heard of it but that was not teaching polygamy.

681 Q-It was not,-That was it then? A-I understood it to refer to the idea of illicit intercourse between the sexes. It was something of that sort, but I don't think it gave it the name of polygamy.

682 Q-Well you heard of that did you not, prior to the death of Joseph Smith? A-Yes sir I believe I did.

683 Q-Don't you know that you did? A-Yes sir I think so.

684 Q-Do you remember of the doctrine,-? A-I would not like to state the reason that I do not remember anything definite between the contending parties, or between the disputing parties there at that time, as there was quite a while that there was a contest over the one that was existing between Hammett and President Smith at one time. There was a strong contest between strong contesting forces against each other, and the contest was one over different strains,-that is on different matters.

685 Q-There was a great race against Joseph Smith? A-Yes sir.

686 Q-And was that course something like this,-"that a man having a certain priesthood might have as many wives as he pleased"? A-I don't recollect to have heard that definitely.

687 Q-Well is that not what you understood it to be? A-No sir I did not view it in that light.

688 Q-Well that is what it says there? A-Well that is not the way I regarded it. I never heard it that way across to my remembrance of it.

689 Q-Well then state so that you may be understood, just what you did hear at that time? A-I heard that there was a man who taught contrary to the doctrine of the church in regard to the character of women.

690 Q-Who was that man? A-I forget the name of the man who it was. My understanding is that he was rebuked for doing it, but I don't think it was termed polygamy. I don't remember that that term was given it.

691 Q-Well was that not what it in fact was? A-Well that is a matter of opinion.

692 Q-Well when did you leave Nauvoo? A-I left there in '46. The same spring that they left, I left and went north.

693 Q--You went North? A-Yes sir.

694 Q-Who went west? A-The section of the church that adhered to Brigham Young.

695 Q-Who was your elder? A-I went North under the administration of Mr Strang, as I told you before.

696 Q-When did you say you joined Mr Strang's church? A-It was early in the fall of '46 or in the Spring of '47.

697 Q-That was the time you united with Strang? A-Yes sir.

698 Q-In the Spring of '47? A-Yes sir, or in the fall of '46.

699 Q-Was Mr Strang a polygamist? A-I believe he was.

727 Q-Well what were they? A-We had plenty of reasons that I can't now detail. We were satisfied then that he was an imposter and proved to be an imposter.

728 Q-How long since that time? A-Since what time?

729 Q-What year was that? A-I told you that I went to Strang in '47.

730 Q-In what year,-what time in the year? A-In '47. In the spring of that year I joined Strang's church, and I stayed there about three, four or five months. I don't remember precisely, but about that length of time. I remained with him, and then I saw he was not what he pretended to be and I advised the people [illegible] practices, and he [illegible]. I don't remember what time it was that I did continue [illegible] with him. But I know what I [illegible] the Gospel Star [illegible] publication [illegible] or he would not have [illegible] of his evil counsel. I [illegible] after [illegible] Strang [illegible] and hunting [illegible] property [illegible].

731 Q-[illegible] have any fault to find?

Counsel for the plaintiff objects to the question and the witness [illegible] the [illegible] for the reason that it is immaterial and not cross-examination.

A-Yes sir.

732 Q-In what respects did you disagree? A-It was so far as [illegible] our methods of preaching in regard to [illegible] of this world and the practices [illegible] to force upon the [illegible] I felt that I could [illegible] with him in [illegible] for many reasons.

733 Q-Why did you leave, for a short time, the Presidency of Strang's church? A-[illegible] Strang, [illegible] Strang, I [illegible] called to [illegible] Strang's [illegible] counselor.

734 Q-[illegible] will you mention my question? A-I thought I did.

735 Q-[illegible] to say, was you leaving, or [illegible], the presidency of Strang's church [illegible] appointed by [illegible] to go to Strang?

Counsel for the plaintiff objects to the question and the witness [illegible] the question above set forth.

A-[illegible] for it yet, if there is yet, I am [illegible].

736 Q-[illegible] with reference to the fact that you went to see Strang and joined his church,-were you [illegible] for a church the president of which was [illegible] by Joseph Smith?

Counsel for the plaintiff objects to the question and the witness [illegible] the question above set forth.

A-I believed that I was going to the original church which I believe to be the church of Christ [illegible] by Joseph Smith [illegible] and that Strang was then the head of the church by appointment.

737 Q-By appointment of Joseph Smith? A-Yes sir.

738 Q-Was you looking for that kind of a church? A-Yes sir.

739 Q-And you believed that you had found it? A-Yes sir. I believed that he was the representative of a true church, or I would not have gone there at all.

740 Q-Well why did you not remain at Beaver? A-I could not, for they were leaving there, and then I believed that the church which had existed at Beaver was rejected.

741 Q-You believed that the church there at Nauvoo was rejected? A-I did.

742 Q-At the time you left there you believed that? A-Yes sir.

743 Q-That church was that that you believed was rejected the church or faction that Brigham Young presided over?

744 Q-And then you came and joined Strang's church? A-Yes sir.

745 Q-And then you thought you had found that pure church, that had not been rejected, but afterwards you found out that you were mistaken. To that? A-Yes sir, I have stated that at least six or eight times, and I do not see the necessity for repeating, there, one time over and over EXXXX time and again.

746 Q-Will you ever find that kind of a church? Counsel for the plaintiff objects to the question asked the witness on the ground and for the reason that it is irrelevant, immaterial, and is not cross examination, and calls for an opinion of the witness.

747 Q-Answer the question? A-Have I ever found that kind of a church?

748 Q-Yes sir? A-Yes.

749 Q-At the time which took the death of Joseph Smith? A-Yes sir.

750 Q-You have? A-Yes sir, I believe I have.

751 Q-Do you in addition to this,-Have you ever found some church, the president of which was appointed by God to lead the Saints? Counsel for the plaintiff objects to the question asked the witness for the reasons set forth. A-Yes sir.

752 Q-Will you ever find it? A-I believe I live in hopes of it, but I don't search for it.

753 Q-You believe you are not living in obedience with the mind of the Lord? A-Yes sir.

754 Q-Did you contribute to the building of the Temple? Counsel for the plaintiff objects to the question asked the witness for the reasons set forth. A-I did that church in the organization of the Temple, to some extent. At any rate I found it to my credit since.

755 Q-Are you satisfied? A-Yes sir, my part is not small, it is true.

756 Q-Was it your impression that that church had a President that was appointed by Joseph Smith? Counsel for the plaintiff objects to the question asked the witness on the ground and for the reason that it is not material, irrelevant and immaterial, not cross examination and calls for an opinion of the witness.

757 Q-Answer the question? A-I have answered that question as correctly as I can. I can't answer it any more definitely than I know of.

758 Q-You think you have answered that question? A-Yes sir.

759 Q-Will I don't think you have? A-I think so.

760 Q-Will the reporter read that question again to the witness, and see if he has any further answer to make to it, for I think when you understand it you will agree with me in saying that you have not answered it. (The question was then upon repeated to the witness as follows,-"What is it that satisfied you that that church had a President that was appointed by Joseph Smith?" A-Because it filled the doctrine of the ordinances in every respect.

in believing he was the successor.

775 Q-In believing ~~the~~ he was the successor of what?
A-In believing that Young Joseph Smith, as you call him, is the successor to his father Joseph Smith, in the Presidency of the church?

776 Q-Well are you, not acquainted with the doctrines of the re-organized church?

Counsel for the plaintiff objects to the question asked the witness on the ground and for the reason that it is incompetent, irrelevant and immaterial, and not proper cross examination.

A-Well I am not as well posted perhaps as your honor is.

777 Q-What are you or are you not? A-I believe I am pretty well acquainted with it, for I understand its [illegible] to be the doctrine of the original church, and I was pretty well posted in the doctrine of the original church.

778 Q-Is that doctrine the doctrine of the re-organized church? A-It is [illegible] with it.

779 Q-I asked you if that doctrine was the doctrine of the re-organized church? A-That is a principle [illegible].

780 Q-[illegible] you state it? A-It was the [illegible] to [illegible].

781 Q-Is that the doctrine of the church? A-I did not say it was, I said that was my belief.

782 Q-Well is there anything in the book of Doctrine and Covenants that establishes that doctrine? A-Yes sir there is a record that establishes that principle; although there is no record that specifically names [illegible] the [illegible], it don't [illegible] that [illegible], but it [illegible] in effect.

783 Q-What record is that? A-It is the [illegible] which states that the [illegible] from father to son.

784 Q-Now you stated, or do you say now that that doctrine of lineal succession, as you have stated it, is in the book of Doctrine and Covenants? A-Yes sir, it is [illegible] there.

785 Q-Is that the doctrine of the re-organized church? A-I believe whatever is in the book of Doctrine and Covenants,—that is one of our accepted books of doctrine.

786 Q-Well is that the doctrine as stated by you in there? A-Yes sir I accept the book of Doctrine and Covenants,—and the [illegible] also, and what I have stated there, I have stated all there is to it.

787 Q-Well answer me this question,—is the doctrine of the book of Doctrine and Covenants, the doctrine of the re-organized church on the question of successorship? A-Yes sir.

788 Q-That is a fact? A-Yes sir.

789 Q-Well then if that is the case, which is right, the doctrine of successorship, or the right of appointment by Joseph Smith to the successorship? A-What is that,—I don't understand that question.

790 Q-I say if that is the case,—which is right, the doctrine of legal lineal successorship or the doctrine of appointment? A-Well I will tell you if you are not familiar with the book of Doctrine and Covenants,—we never would have believed in that kind of an appointment, but it was at a time when we were led astray or sought to be led astray by that faction there at Nauvoo, and we were instructed that we were to obey their orders and let the book of covenants go, and we were only too glad to escape from them ~~therr~~ their and their ~~xx~~ machinations, and it was not a time when we were prepared

to-calmly think over matters,-it was a time when we thought of only escaping from the faction there at Havoc,and did not examine into matters as closely as we afterwards did.

797 Q-Do you state now that the doctrine of Appointment in the Scriptures contained in the Book of Mormon, are true?

Counsel for the Defendants objects to the question upon the ground that it is immaterial and irrelevant, and does not call for the opinion of the witness.

A-[illegible] I am [illegible] to the question, or to [illegible] statement, in the Book of Mormon, that his doctrine [illegible] to the [illegible] and the [illegible] the [illegible] in the [illegible] of [illegible].

798 Q-Do you state that the doctrine of Appointment in the Scriptures of Young [illegible] of Mormon?

Counsel for the Defendants objects to the question on the ground that it is not [illegible] and is immaterial, irrelevant and [illegible] not call for [illegible] evidence.

799 Q-[illegible] A-[illegible]

800 Q-[illegible] A-[illegible] sir it is [illegible].

801 Q-[illegible] A-[illegible] Young [illegible] that [illegible] I [illegible] Young [illegible] to [illegible].

802 Q-[illegible] A-It [illegible]

803 Q-[illegible] the [illegible] A-[illegible] [illegible].

804 Q-[illegible] A-[illegible].

805 Q-[illegible] Young [illegible] A-[illegible]

806 Q-[illegible] Counsel for the Defendants objects to the question, [illegible] not [illegible] and irrelevant, as the book itself is [illegible] evidence, and for the reasons above [illegible].

807 Q-[illegible] of doctrine and government [illegible] that [illegible] an [illegible] A-[illegible] Young [illegible] of [illegible] the [illegible] and [illegible] was [illegible] of [illegible].

808 Q-[illegible] and [illegible] the [illegible] the original [illegible] A-[illegible] and [illegible] received by [illegible] and [illegible] it [illegible].

809 Q-That was [illegible] A-Yes sir.

810 Q-You think so? A-Yes sir.

811 Q-Do you will you please state upon what [illegible] that [illegible]? Upon

[illegible] that occasion he was appointed? A-That occasion.
806 Q-Well sir there is evidence enough to that effect in existence to satisfy me that that was done, but [illegible] that evidence is on record or not I don't [illegible] anything about it, so long as the [illegible] satisfactory to me. It is a fact or of [illegible] or not, or I am [illegible] to believe it.
807 Q-Do you know [illegible] appointment [illegible] the time his or his [illegible] twelve and [illegible] -Yes sir, [illegible] thou-
808 [illegible] fifteen years or [illegible] you
809 Q-At [illegible] your [illegible] would
810 [illegible]
811 [illegible]
812 [illegible]
813 [illegible] the
814 [illegible] you
815 [illegible] it
816 [illegible]
817 [illegible]
818 [illegible]
819 [illegible]
820 Q-Upon what profession were you received,-what went before you reception?

A-Well sir I professed my readingss to endorse the reorganization to be the true church and I was baptized by one of the apostles into the church. I felt like renewing my covenant in the work of the church, and upon my [illegible] and so professing and accepting [illegible] the true church, I was received [illegible] it, and [illegible] baptized.

821 Q-[illegible] you any work as an [illegible]? A-[illegible] sir I [illegible].

822 Q-[illegible]? A-[illegible] sir. [illegible] have never [illegible], for that is [illegible]. [illegible]

823 Q-[illegible] the re-organized church, [illegible] -[illegible] I [illegible] in the [illegible] church

824 Q-[illegible] re-organized church [illegible] and [illegible] not [illegible] I did not [illegible] -asked me, for I [illegible], -I [illegible] renewed my covenant [illegible],-

825 Q-[illegible] into the original church? A-[illegible]

826 Q-[illegible] re-baptized into [illegible] that [illegible] covenant with the church. I had [illegible] I felt [illegible] necessary for me to renew my covenant [illegible] in order to [illegible] that it was [illegible]

827 Q-[illegible],-is it not a fact [illegible]? A-It was [illegible],-it [illegible],-it [illegible] it, but [illegible] I [illegible] as an elder, but I still am [illegible] with the [illegible], I consider that [illegible] I [illegible] with the [illegible] I fell away from the church, [illegible] I [illegible] all [illegible].

828 Q-[illegible] with Strang [illegible] that Strang [illegible]

Counsel for the [illegible] objects to the [illegible] the witness on the ground and for the reason that it is incompetent, irrelevant and immaterial, and for the reason that it is not proper cross examination.

829 Q-[illegible] the question? A-I don't [illegible] I understand the question.

830 Q-[illegible] any plates in the possession [illegible] or [illegible] under his authority? A-[illegible]

831 Q-[illegible]? A-No sir, I never [illegible] any of his plates, but I saw the old brass [illegible] that the [illegible] was cut out on. These plates that [illegible] become tarnished so I [illegible], and that [illegible] any others, that his plates were [illegible] he represented them to be, or they would not have rusted, and [illegible] his plates

The outside had rusted it is my recollection,but the inside was not so very much rusted. Now that is my recollection and that is all I know about that old kettle.

850 Q-Were those pieces cut from the inside or out side? A-A-I all that is a question to me.

851 Q-Did anyone see it? A-All they were cut clean out of the kettle,-pieces cut of the kettle they were cut clean through by the fire on both sides. Now could you cut a piece out of a kettle with a cutting tool? Yes, I say.

852 Q-Did they come out of the very throughs? A-Yes sir they were cut right out of it.

853 Q-Were all the edges of the pieces that were cut out?

A-I do not know that. They varied some I understand,-some had smaller than others.

854 Q-Were some of them on the edge? A-Yes sir they had cut right out of the edge of the kettle, pieces cut of different sizes for there was different pieces in it.

855 Q-Did not take more than? A-I can't say,I don't know.

856 Q-Did this very hole, the collector, go in with? A-Well I say I don't know,but I suppose it cut an inch or two inches or more in the metal,- part of it, cut to the edge, I don't remember how much.

857 Q-Did they fall in? A-Yes sir.

858 Q-Did you see the pieces? A-Well to my mind not all of them I picked that I ever saw,-there may have been a little EXXXXXXXXX of a quarter-inch or two inches but I never noticed anything of size,-there was not two or three inches but I never noticed.

859 Q-Did you see the edges? A-No sir I may have seen them,-to be I never got the Sheriff to examine or cut of the edges. He said he had to do so, and I don't believe he ever did so. I believe he left that for the jury to do.

860 Q-Well you said that,-that is somewhat new to me. Did you? A-Well I thought you wanted to know all about that.

861 Q-Did you see the examination of the edges? A-I don't think I ever did.

862 Q-Do you know of what importance to be a translation? A-No sir I don't think I do.

863 Q-Do you know? A-No sir,not that I recollect.

864 Q-Did you do not know that it was to be? A-No sir.

865 Q-Did you see whether they were or not on either the kettle out of which they were said to have been taken, if you were to see them? A-Yes sir. If I were to say-that I could. I rather think I could not. But if I were to see them I rather think I could just as easily tell them because the thickness of the metal with the thickness of that kettle.

866 Q-Do you think you could? A-Yes sir.

867 Q-Did where was it you say this book of Father Jacob? A-I saw it in Harvo.

868 Q-Did I understood you to say that you saw it when you were up at Vera with Strang? A-No sir.

869 Q-You did not say that? A-No sir.

870 Q-Then you saw it at Harvo? A-Yes sir.

871 Q-At what time did you see the "Father Jacob" book? A-Well it

was in '45 I think.

873 Q-At what time in '45 was it? A-Well it was in the latter part of '45 in the fall or in the early part of the winter.

874 Q-Well you saw that book then? A-Yes sir.

875 Q-How did you happen to see it? A-It was as I was [illegible] there in [illegible] that it [illegible] book [illegible] it was [illegible] circulated, and there was a lady [illegible] and I lived at one time in a part of her house, and at that time [illegible] in [illegible].

876 [illegible]

877 [illegible]

878 [illegible]

879 [illegible]

880 [illegible]

881 [illegible] would [illegible]

882 [illegible]

883 [illegible]

884 [illegible] but [illegible]

885 [illegible]

886 [illegible] sir [illegible]

887 [illegible]

888 [illegible]

889 [illegible]

890 [illegible]

891 [illegible] I [illegible] that I do not [illegible] positively.

892 Q-Did [illegible] tell you how [illegible] A-No sir I don't recollect what she did.

893 Q-Did you have any conversation with her about the book? A-Yes sir we talked about it [illegible] I, [illegible] of the same opinion I was, and always [illegible] of the same opinion. She left the church [illegible] disgusted with their practices, and [illegible] Island.

Anna O. remained behind as the only patient.

A - [illegible]

912 Q-It was not an authority in your quorom then?
A-No sir,not that I k nor anything of. It was never presented in my quorom that I ever heard anything of at all. It certainly was not presented while I [illegible] member of it.

913 Q-I [illegible] you,and I believe you did not answer me [illegible] so far as you know was there [illegible] copy of that book? A-[illegible]

914 Q- [illegible] book [illegible]

915 Q- [illegible] copy of [illegible]?
[illegible]

916 Q- [illegible] what [illegible] Joseph [illegible]
[illegible]

917 Q- [illegible] of [illegible]-
[illegible]

918 Q- [illegible] the [illegible]
[illegible] was [illegible]
[illegible]

919 Q- [illegible] to the [illegible]
[illegible] have [illegible]
[illegible] the [illegible]
[illegible] ex-
[illegible] it did [illegible] It is [illegible]

920 Q- [illegible] the [illegible] Pratt [illegible],-do you [illegible] to [illegible]
[illegible] that is what I [illegible]

921 Q- [illegible] that [illegible] you [illegible] and [illegible] you [illegible] ex-
[illegible] did not [illegible]

922 Q- [illegible] there [illegible] ro-
[illegible] that they did not teach

937 Q-For how many of them did you hear that teach that? Counsel for the plaintiff objects to the question asked the witness on the ground and for the reason that it is incompetent, immaterial and not cross examination, and [illegible] matter already gone into.

[illegible] that question, no [illegible] it, I don't know that I have anything [illegible] already [illegible].

938 [illegible]

939 [illegible]

940 [illegible]

941 [illegible]

942 [illegible]

943 [illegible]

944 [illegible]

945 [illegible]

946 [illegible] issue [illegible] Doctrine and Covenants [illegible] question [illegible] they [illegible] at variance [illegible] Doctrine and Covenants [illegible] they [illegible] that under the [illegible] Doctrine and Covenants did not teach, and consequently they did not [illegible] it.

947 Q-Will now will you tell me now, or why they were not right in the later revelation, and not wrong in the former revelations?

they told you at the time that it was the doctrine given by Joseph Smith through a revelation?
Counsel for the plaintiff object to the question asked the witness on the ground and for the reason that it is incompetent, irrelevant and immaterial, and not proper cross examination.

A—[illegible] teach [illegible] that [illegible] be [illegible] in.

960 Q—[illegible] of it?

961 Q—[illegible]

962 Q—[illegible] original [illegible] that [illegible]

963 Q—[illegible]

Counsel [illegible] object [illegible] the [illegible] ground [illegible] only

[illegible] and [illegible]

964 Q—[illegible]

965 Q—[illegible] them. [illegible] of [illegible]

966 Q—[illegible]

967 Q—[illegible] ?

968 Q—[illegible] A—[illegible] did [illegible]

969 Q—[illegible] they [illegible]

970 Q—[illegible] you [illegible]

971 Q—[illegible] ? A—[illegible] them

972 Q—[illegible] ? A—[illegible]

973 Q—[illegible] A—Yes sir.

974 Q—[illegible] ? A—[illegible]

975 Q—[illegible] ? A—Yes sir.

976 Q—[illegible] ? A—[illegible] that they were given [illegible] covenants.

[illegible]

92

James Whitehead being sworn on the part of the plaintiff in rebuttal, testified as follows,-

Direct examination by Mr. Treber,-

I Q:-Mr Whitehead, I believe you testified here in this case before did you not? A:-Yes sir.

2 Q:-It was in February that you testified? A:-Yes sir I think so. I am pretty hard of hearing and you will have to speak to me sir,-you will have to speak loud if you want me to hear you.

3 Q:-Well I ask you if you did not testify in this case in February? A:-Yes sir. I guess it was in January. I testified here last winter,-not in this case however, but in the other case there was testimony taken there.

4 Q:-And on that occasion was testifying that you had [illegible] A:-Yes sir, I did.

5 Q:-Do [illegible] you of [illegible] A:-A [illegible]

6 Q:-[illegible] A:-[illegible]

By P.P.Kelley,-"Let the record show that the plaintiffs paid the fees of the Willard Griffith being for one hundred and fifty miles at ten cents per mile and for three days attendance as a witness"

By Mr.Southern,-"It is not claimed that Griffith was subpoenaed in this case,is it?"

By Mr.P.P.Kelley,-"No sir it is not claimed that he was subpoenaed and if you want to make an objection to these fees you can do so. Let the record also show that the fees of John Hawley were paid by the plaintiff. He lives at Sheridan,Missouri,and it is one hundred and fifty miles from here,and he was four days in attendance as a witness." By Mr Southern, - "Just enter our objection to the allowance of these fees."

By the Notary,-"There is a matter I wish to call your attention to,and it is this,-I believe the stipulations that have been filed regarding the taking of these depositions require that they shall all be filed before the first of September,ot by that date. Now it is a physical impossibility to have them done by that time,-in fact I think it will take untill the first of October for me to transcribe my notes,possibly longer,and I would like to know what you propose doing about it. The stipulations will have to be varied,or the time extended for filing the depositions,for it is absolutely impossible to transcribe my notes in that time."

By Mr.Kelley,-"Well we all have copies of the testimony, and I suppose it don't make any difference so long as the transcript is on file before the court convenes."

By the Notary,-"I understood,and I think it is on record somewhere in these depositions that I was to have all the time necessary to prepare the transcript,but as I am a little in doubt about it I thought it best to call your attention to it at this time,for I might forget to do so. I understood also that the stipulations in that respect would be waived for the reason that all the parties were getting copies of all the testimony taken,and that one of the reasons the time was fixed for filing the testimony at the time it is,was because the parties desired to have the testimony where they could have access to it,but owing to thy fact that they had copies it was not necessary to insist upon it,nor advisable to do so."

By Mr.Kelley.-"Well Mr.Southern,what do you say,-I think with Mr.Orr that this matter ought to be settled now."

By Mr.Southern.-"Well I don't care. I suppose the Notary will have to be allowed to write out his notes. He will get them out as soon as he can and file them,-that will be satisfactory to us."

By Mr.Kelley.-"That is satisfactory to us also."

By the Notary.-"Then I shall proceed to write up the transcript and file it as soon as I get it completed,indexed and compared,and I will be as diligent as I can in that work. I may have it done by the middle of September, and it may by the first of October,-it will all depend on how much more evidence you gentlemen are going to take."

By Mr.Trabor,-"Well if that matter is settled I shall proceed with the examination of Mr.Whitehead,-"

7 Q:-You said you private secretary to the Prophet Joseph Smith at one time? A:-I was sir.

8 Q:-Were you a member of the church of Latter Day Saints during the time that you acted in the capacity of private secretary for the Prophet Joseph Smith? A:-I was.

9 Q:-How long prior to that time had you been connected with the church? A:-How?

10 Q:-As a member? A:-I was baptized on the 18th day of October.-

By E.L.Kelley.-"That has already been all gone over,and it is not necessary to go over all that again,-but let the witness go ahead and answer the question."
A:-I was baptized on the 18th day of October 1887.
By Mr.Traber,-
11 Q:-What,if anything did you know,or do you know about the doctrine of polygamy ever having been taught in the church by Joseph Smith at any time prior to his death? A:-Nothing sir.
12 Q:-You don't know anything about it? A:-I never heard him teach it sir at all,-neither privately nor publicly. He never said a word to me about it,~~ris~~ at all,and I never heard it taught either privately or publicly before his death.
By Mr.Southern,-"Right here I want to enter an objection to any attempt to prove that a doctrine of that kind did not exist,or did exist by negative testimony,for I don't think that it is the kind of testimony that comes within the rules of testimony. To prove that the witness does not know it was taught does not prove that it was not taught."
By Mr.Traber,-
13 Q:-Well I am going to prove it all together outright if you will possess your soul in patience for a minute or two. What opportunities have you had of knowing that fact,had it existed? A:-Yes sir.
14 Q:-Did you have an opportunity of knowing it if it had existed? A:-Yes sir.
15 Q:-What were they? A:-Well I think they were very good
16 Q:-Well what were they? A:-Well I say they were very good.
17 Q:-Well now you have stated that they were "very good" but you have not stated what they were? A:-Well I was there in his office,and I was there with him continually,and I was well acquainted with his family I was well acquainted with Sister Emma,and I never saw anything or heard of any such thing being taught there in Nauvoo prior to the time of the death of the prophet,-I never even heard of it one way or the other.
18 Q:-That is the practice of it? A:-Yes sir.
19 Q:-You never heard of it before the ddeath of Joseph Smith,is that what you say? A:-Yes sir.
20 Q:-Well what about the teaching of it? A:-Whether it was taught by Joseph Smith?
21 Q:-Yes sir,or by any one else in his life-time? A:-I never heard him teach it sir.
22 Q:-Did the elder in the church or any one else in authority in the church during the time you were there in Nauvoo occupying the position you said you did with Joseph Smith,-did they at any time during that period teach it? A:-No sir.
23 Q:-Did you ever hear any person holding any office in the church speak or preach upon doctrinal points? A:-Yes sir,I have heard them a great many times. I have heard preaching a great many times,both by Joseph Smith and others.
24 Q:-Have you ever heard ~~him~~ Joseph Smith talk to the elders and and other officers in the church upon doctrinal points? A:-Yes sir. I have heard him preach to them a great many times upon doctrinal points.
25 Q:-Have oyu ever heard him talk to them in a conversational way upon doctrinal points? A:-Yes sir.
26 Q:-Where would these conversations take place? A:-Very frequently in his office.
27 Q:-Would you be present at any of these times? A:-Yes

sir,I would be present.
28 Q:-Where did you say these conversations would take place. I think you stated where it would be but I don't recollect it? A:-I said they would very frequently be in his office,and I would be present.
29 Q:-Would you hear what would be going on in these conversations,-what would be said and done? A:-Yes sir, they would not always be in his office however,for sometimes it would be at his house. I have heard him talk in his office,and in his house about all these things.
30 Q:-Upon what subject would he talk? A:-Upon the doctrines of the faith of Christ,-upon the gospel,-upon the gospel of grace,faith,repentance,baptism,the laying on of hands,the gift of the Holy Spirit,the resurrection from the dead,etc,-I have heard him talk about all these things.
31 Q:-When you say you have heard him talk about "all these things" you mean the things or subjects you have enumerated? A:-Yes sir,
32 Q:-Did you ever hear him say anything about a plurality of wives? A:-No sir.
33 Q:-Did you ever know a man by the name of Kingsbury? A:-I did sir. I knew him.
34 Q:-When? A:-There.
35 Q:-Well where? A:-There at Nauvoo.
36 Q:-Well when did you know him in Nauvoo? A:-Do you want the date?
37 Q:-Yes sir,as nearly as you can give it? A:-Well he was in the office,-that is in the store-room delivering out supplies,provisions and clothing and such things to the ones that labored on the temple and other places for the church under the direction of Newel K. Whitney.
38 Q:-Who was Whitney? A:-He was the bishop.
39 Q:-What was his first name? A:-Whose first name?
40 Q:-Kingsbury? A:-Joseph C.
41 Q:-What,if anything,did he have to do with the duties of secretary to the prophet Joseph Smith? A:-He did not have anything to do with that,-nothing at all sir.
42 Q:-Did you know a man by the name of Clayton? A:-William Clayton do you maen?
43 Q:-Yes sir? A:-Yes sir,I knew him also.
44 Q:-Where did you know him? A:-I knew him in England and I also knew him at Nauvoo.
45 Q:-Did you know him at Nauvoo before or after the prophet's death? A:-I knew him many years before the prophet's death,for I knew him in England before he joined the church.
46 Q:-Where was he during the time that you were performing your duties as secretary to the prophet? A:-He was a clerk for me,or with me I should say,in that office for quite a while.
47 Q:-He was a clerk in the office? A:-Yes sir.
48 Q:-What were his duties? A:-He had different duties,-clerking in the office,examining and writing.
49 Q:-Were his duties the same as yours? A:-No sir,not exactly. He did not have exactly the same duties to perform that I did. He was there helping on the books and doing whatever he was directed to do.
50 Q:-You say he did not have the same duties to perform that you did? A:-No sir,not exactly the same.

51 Q:-Well what were the duties he performed? A:-Well I was in the possession of Joseph's private papers,in a desk I had them and I had the key to that desk myself,and William Clayton was more of a clerk and attended to a great deal of the business on the outside. That is about the difference.

52 Q:-Well was he Joseph Smith's private secretary in any sense of the word? A:-Well he was in some parts of the business,for he attended to the outside business. He was in some parts of the business,for he attended to the outside business,and I attended to the inside business,-to the books.

53 Q:-Who attended to the books? A:-Clayton.

54 Q:-How long did William Clayton attend to any part of the business of the prophet? A:-Well he was there before I was,but he was not in that office all the time after I came there. There were some things that took place in connection with Clayton that gave dissatisfaction. There was money disappeared that was not accounted for,and for that reason he was removed from that office,but he did outside work,and other work in another capanity,and I was put in charge of the office in his place.

55 Q:-Then he was removed from his position as private secretary? A:-Yes sir.

56 Q:-By whom was he removed? A:-By Joseph Smith and the committee.

57 Q:-What committee do you refer to? A:-That was the temple committee.

58 Q:-Well do you remember the year in which that occurred? if you do you can state it? A:-Yes sir,that occurred in '43.

59 Q:-Well about what time in '43 did that occur according to the best of your recollection? A:-It was in '43 in the beginning of the year.

60 Q:-Well now then,-what was the nature of the other employment that he was engaged in. I mean that Clayton was engaged in? A:-Why it was going out and attending to business generally. There was a good deal of business done in regard to the lots and farms of the church.

61 Q:-Well what was the nature of that business? A:-Well the church would buy in property and sell it out again,and he attended to most of that business. I did not attend to that at all,and Clayton would look after that sir.

62 Q:-Well was that after he had been removed by the prophet? A:-Yes sir,that was after he had been removed from the office of private secretary by the prophet, and from this other office by the prophet and temple committee.

63 Q:-Did you ever hear or know anything of an ordinance of the church,-an ordinance in the church or out of it for that matter,called sealing? A:-Yes sir.

64 Q:-You have heard of that? A:-Yes sir,I heard about it.

65 Q:-Now you may state when you first heard of that ordinance,and all you know about it? A:-All that I know about it,-is that what you want?

66 Q:-Yes sir,state all you know about it? A:-Well I could not tell you the date that I first heard of it,- that is the time of the year,but it was in '43,-in the early part of the year,I think,-it might possibly be the latter part of '42,for I would not be positive about the date,that I first heard of that ordinance,the sealing as they called it of husband and wife. They would be married according to the ordinances of the laws of God,not only for time,but

for eternity as well.

67 Q:-They would be married for time and eternity as well? A:-Yes sir,but that applied only to husband and wife and a man could not have but one wife,-they were not allowed to have more than one wife.

68 Q:-A man was allowed,then,to have but one wife,and he could be sealed to her for this life as well as the life to come? A:-Yes sir.

69 Q:-Was that ordinance the result of a revelation? A:-I do not understand about that.

70 Q:-Well was the authority for that ordinance derived from a revelation? A:-Why it was according to scripture,-according to what was written. It was a setting apart,-not only uniting-but they were bound to stick together,unless they were divided by the law of the land,for we never went against the law of the land in anything.

71 Q:-Do you know anything at all in reference to a revelation on sealing? A:-That is all I know about it,-what I have told you is all I know about it sir. Perhaps I don't quite understand what you want.

72 Q:-Well I don't think you do either? A:-Well ask me the question again and then perhaps I will understand you.

73 Q:-What I want to know is this,whether the prophet or, whether you ever saw or heard of what was claimed to be a revelation on this subject from Whitney or any body else? A:-With regard to polygamy?

74 Q:-No sir,-with regard to sealing? A:-Why that was the law of the Lord. It was the law of God as it is written,but it was to be done in the spirit of holiness,-in the purity of the spirit of holiness,but it only applied to a man and his wife,and they could be sealed to each other for time and for eternity,and that bond could not be broken only by the law of the land.

75 Q:-Did Whitney ever show you a revelation on any subject whatever? A:-Yes sir,he showed me a revelation.

76 Q:-Well what was it? A:-Well sir,I can't repeat it.

77 Q:-Well I don't ask you to repeat it. I asked you what subject it was on? A:-It was on what we are talking about now.

78 Q:-I understood you to say that you did not know of any revelation upon that subject? A:-I don't know what you mean by "revelation on that subject."

79 Q:-Well sir,I mean simply a revelation on the subject of sealing? That is what I mean? A:-Well that was all the subject that was talked about as far as I remember.

80 Q:-I understood you to say that the sealing was founded upon the scriptures? A:-Well sir,so it was. It is founded upon the scriptures.

81 Q:-You say that Whitney showed you a revelation at one time? A:-He did sir.

82 Q:-Well now what had this rexelation of Whitneys to do with the matter of sealing? A:-Yes sir,that is what the revelation showed,and the Lord says so by his written law too.

83 Q:-Well that was in the revelation that Whitney showed you? A:-Yes sir. Yes sir,that was in the revelation.

84 Q:-And Whitney showed you the revelation? A:Yes sir.

85 Q:-To whom was that revelation given? A:-To Joseph Smith sir.

86 Q:-It was given to Joseph Smith? A:-Yes sir,to Joseph

Smith the prophet.
87 Q:-You are sure of that? A:-Yes sir.
88 Q:-Well can you tell any more definitely what its contents were? A:-Oh I don't know any further than it was on that subject of plural marriage,but I can't repeat it for it has been so long since I saw it. I remember that it was before they went to Salt Lake.
89 Q:-What was before they went to Salt Lake? A:-That Whitney showed me that. It was before they went to Salt Lake,for at that time they had arranged to go to Salt Lake,or I should say to go westward into the wilderness,for at that time they did not know they were going to Salt Lake.
90 Q:-Well was it before or after the prophet's death? A:-It was after the prophet's death. It was after Joseph't death that he showed me that.
91 Q:-Under what circumstances did he come to show you that? A:-I went up to winter quarters or to Omaha to settle my account with the church and make my report. That was after they had left Nauvoo and were in winter quarters at Omaha or near there. Well as I said I went up there to make my report,and I did not stay there,for as I said when I was giving my testimony before I saw things going on there that I did not like.-
92 Q:-Well you need not state what caused you to leave there,but go ahead and state what you saw there,-what were the circumstances I mean under which you came to see this revelation? A:-Well as I said I was there to make my settlement with the church,and while I was there,before I left,I went and stayed all night with Bishop Whitney,and he showed it to me then.
93 Q:-Now when was that? A:-That was in the spring of '48.
94 Q:-Do you know when the revelation purported to have been given? A:-No sir,I don't recollect the date,-that is I don't recollect the date positively,but as far as my recollection goes it was in '42,-I think it was about '42. Now I am not positive about that, but I think it was about '42.
95 Q:-How much of a document was it? A:-Well sir,it was as much about as would fill this leaf,-both sides of it (referring to a sheet of fool's cap paper) I should think it was about three sides of a sheet of paper like that.
96 Q:-Was it in manuscript? A:-Yes sir,it was written.
97 Q:-Did you write it? A:-I did.
98 Q:-I asked you if you wrote it? A:-I did not understand the question,-I thought I was asked if I read it. No sir,I did not write it.
99 Q:-Well did you read it? A:-I did sir.
100 Q:-Do you recollect whose handwriting it was in? A:-Well I would not be positive,but I think it was William Clayton's. I could tell in a moment if I could see it for certain,but I think now it was in William Clayton's. I am not sure about that,but I think it was in Clayton's hand.
101 Q:-Since that time have you seen it? A:-No sir,I haven't seen it since that time,for I haven't been near them since then.
102 Q:-Do you know what became of it? A:-No sir.
103 Q:-Was it ever printed that you know of? A:-I never saw it printed. I saw what they claimed was it,or what purported to be it,that was published in the ~~po~~ book of Doctrine and Covenants published by the Brighamite church in Salt Lake.
104 Q:-Was that the same one that you had given you by Bi-

shop Whitney,and which you read there at winter quarters? A:-No sir,it was not the same.

I05 Q:-What difference was there in them? A:-It was not the same at all. It was entirely changed.

I06 Q:-It was changed you say? A:-Yes sir.

I07 Q:-Can you tell in what particular it was changed? A:-It was changed so that it sanctioned polygamy,and that change was made by the Brighamites,for there was no such a thing in it when it came from Joseph the martyr.You can find it for yourself in the book of Doctrine and Covenants published by the Brighamites at Salt Lake,and you will see in it as published by them that it sanctions and imposes polygamy on the church,but there was not such thing in the revelation that Whitney showed me,-nothing of the kind at all sir. I remember when I first saw that revelation,they have in their books of Doctrine and Covenants,for it was brought to me by a man from Salt Lake,and he showed it to me,and asked me what I thought of it,and I told him that it was spurious.

I08 Q:-Did you recognize that revelation as published in the book of Doctrine and Covenants from Salt Lake,-did you recognize it as the revelation you had seen at winter quarters? A:-No sir,I told you it was not the same,-that it was changed so that it sanctioned polygamy,and there was nothing about polygamy or plural marriage in the revelation that Whitney showed me. It was changed entirely.

I09 Q:-Well I know you say that,but did it have,or did you recognize in the revelation published in the book of Doctrine and Covenants published by the Utah Mormon church any part of the revelation that was shown you when you were at winter quarters? A:-It was entirely changed,but there was some points of similarity.

II0 Q:-How do you know it was changed? A:-Well it did not have the same language at all.

III Q:-Well now might it not have been an entirely new revelation? A:-Well sir I could not tell about that.

II2 Q:-Well that might be the case might it not? A:-Well I could not say about that,for there were some parts of it if it was the same,that were turned and twisted around and warped so that they had another meaning entirely from what the one had that Whitney showed me. I know that I considered when I read it that they had got that revelation from Bishop Whitney,and they had changed it entirely and added to it a great deal. I know that for it had nothing to do with polygamy when it came from Joseph Smith. On the contrary it was entirely opposed to it,but they had changed it around until they had made it sanction polygamy.

II3 Q:-You refer to the purported revelation published by the Salt Lake church,when you say the revelation was changed so as to countenance polygamy? A:-Yes sir,and the revelation that Whitney had did not say anything about polygamy.

II4 Q:-And is that revelation the revelation under which polygamy was practiced in the Salt Lake church? A:-Well sir,all I know about that is what I have heard. I never was there and I don't know what they did practice there.

II5 Q:-Well if they practiced polygamy was it under that revelation it was done?

Counsel for the defendants objects to the question asked the witness on the ground and for the reason that it calls for an opinion of the witness.

A:-Well I say that that revelation that was published in their book of Doctrine and Covenants sanctiond it,but there was nothing about polygamy in that revelation that bishop Whitney had,and I think they took that revelation that Whitney had and changed it so that it read to sanction polygamy,and now they try to pass it off as one of Joseph Smith's revelations.

II6 Q:-Did it bear the same date? A:-What?

II7 Q:-Did the revelation,or purported revelation published in the book of Doctrine and Covenants published by the Utah Mormon church have the same date as the revelation shown you by Bishop Whitney? A:-Well my recollection is that the one published in the Salt Lake book of Doctrine and Covenants,did not bear any date. It had no date in the book of Doctrine and Covenants that I recollect of.

II8 Q:-Are you positive as to that? A:-No sir,but if it had a date I don't recollect of it.

II9 Q:-But you do remember that the one you saw at winter quarters was dated? A:-What is that,-?

I20 Q:-The revelation as you saw it at winter quarters bore a date did it not?? A:-I could not say. I don't remember much about a date for I just read the revelation,and the man that gave it to me asked me what I thought about it,and I told him it was not right,-that it was spurious and a fraud,and that Joseph Smith never gave that.

I2I Q:-Well you refer now to the revelation printed in the book of Doctrine and Covenants published by the Salt Lake church? A:-Yes sir.

I22 Q:-Well I am asking you about the revelation that was shown you by Bishop Whitney,-did that revelation bear a date? A:-I told you that I thought it was dated in '42.

I23 Q:-When that revelation was handed ~~xxx~~ to you at Omaha for your perusal,was there anything said to you at that time about where it had been kept from the time it was given down to the time you saw it? A:-Bishop Whitney had kept it himself.

I24 Q:-How do you know that to be the fact? A:-Well he told me so himself. He told me that he had kept it.

I25 Q:-That he,Whitney,had kept it? A:-Yes sir.

I26 Q:-Did he tell you where he had gotten it? A:-He said he had gotten it from Joseph Smith.

I27 Q:-Did he tell you when? A:-No sir,and I did not ask him when he got it.

I28 Q:-Well what did he say about that? A:-He said that Joseph gave it to him to keep and take care of. That is all that I know about that.

Counsel for the defendants objects to the answer of the witness and moves the court to strike it from the record for the reason that it is incompetent and hearsay.

I29 Q:-What reason have you for thinking that that revelation that you saw at winter quarters was a part of the revelation incorporated in the book of Doctrine and Covenants published by the Utah church? A:-Well I will tell you what the reason was,-because the man that had it told me that that was the revelation of Bishop Whitney,-I mean that the revelation that Bishop Whitney had,and that it was put in the book of Covenants. Now that is all that I know about it.

Counsel for the defendants objects to the question asked

A:-Well I say that that revelation that was published in their book of Doctrine and Covenants sanctiond it,but there was nothing about polygamy in that revelation that bishop Whitney had,and I think they took that revelation that Whitney had and changed it so that it read to sanction polygamy,and now they try to pass it off as one of Joseph Smith's revelations.

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124 Q:-How do you know that to be the fact? A:-Well he told me so himself. He told me that he had kept it.

125 Q:-That he,Whitney,had kept it? A:-yes sir.

126 Q:-Did he tell you where he had gotten it? A:-He said he had gotten it from Joseph Smith.

127 Q:-Did he tell you when? A:-No sir,and I did not ask him when he got it.

128 Q:-Well what did he say about that? A:-He said that Joseph gave it to him to keep and take care of. That is all that I know about that.

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Counsel for the defendants objects to the question asked

the witness on the ground that it is immaterial and hearsay.

130 Q:-When you were at Nauvoo,where did you reside with reference to the prophet's home? A:-Where did I reside with reference to Joseph Smith's home?

131 Q:-Yes sir? A:-Oh,I lived maybe three hundred yards from where he ~~XXXX~~ lived.

132 Q:-How often would you see him? A:-Oh I saw him frequently.

133 Q:-Well about how often did you see him? A:-Oh I saw him every day.

134 Q:-You saw him every day you say? A:-Well perhaps not every day,but I saw him almost every day that he was in Nauvoo. I saw him on Sunday,because if I was not busy I would go and hear him preach,and as I did not make a practice of doing any work on Sunday in the office I generally went to hear him preach.

135 Q:-Now you have testified that you were in the office of the prophet down to the time of his death? A:-I was sir. I was there in his office at the time that he was murdered.

136 Q:-Right up to the time of his death you were in his office,and acted in the capacity of private secretary for him? A:-Yes sir,I was in his office at the time he was killed.

137 Q:-Well were you in his office at the time he was killed-or were you at Carthage where he was killed? A:-No sir,I was not at Carthage. I was in his office on that day,and I was keeping the books at that time.

138 Q:-Then you were not present at the time he was killed A:-No sir,I was not at Carthage,-I was not there when he was killed.

139 Q:-How many days had he been gone from Nauvoo before he was killed? A:-Well it was but a very short time. I remember the circumstance very well and he was gone but a very short time,for I know that the governor came down there to Nauvoo and made a speech to the people. I remember that right well for he said in that speech that "stands as though it was over one hundred kegs of powder,and if you don't give up Mr. Smith you must take the consequences". and he had left there before that,and the time that the governor was making that speech Joseph and Hyrum was shot dead at the Carthage jail.

140 Q:-I don't quite understand you when you say that they demanded that they should be given up? A:-I said that he demanded that Joseph Smith should be given up.

141 Q:-Well I understand that,but I don't understand how he should demand that they must be given up when the were already in the jail at Carthage? A:-Well he did say so. I understand that is another speech you have reference to. You must understand that the governor was there more than once,for he was there at Nauvoo two or three times making speeches. It was Joseph was given up that he made that inflamatory speech about the powder and what would happen if he was not given up. I remember that now,for they gave themselves up,or rather went to Carthage and gave themselves up,and it is my opinion that it was right the next afternoon they were shot. At any rate they were there but a very short time before they were murdered. I remember that the Governor came down again and he made another speech,and he told the citizens that they must be careful and keep the law,and made a long speech,and while he was there making that speech both Hyrum and Joseph Smith were shot dead in cold blood in the Carthage jail,and Willard Richards and John Taylor were there also,and John Taylor

was shot in the wrist.
142 Q:-Well,that don't make any difference? A:-Well I thought I would tell you,for I did not think there was any harm in telling you all I know about it,and I knew they were shot for I saw the wounds myself.
143-Q:-Well how many wives did the Prophet have? A:-How many wives did Joseph Smith have?
144 Q:-Yes sir? A:-He had one.
145 Q:-What was her name? A:-Emma.
146 Q:-Do you know of any other woman who claimed to be the wife of the Prophet? A:-No sir,I don't know of any other.
147 Q:-Do you know of any other woman who claimed to be the wife of Joseph Smith there at Nauvoo? A:-No sir, I don't know them.
148 Q:-Or any where else other than at Nauvoo? A:-No sir,
149 Q:-You don't know of any wives he had other than Emma at any time or place? A:-No sir,and I never heard of such a thing.
150 Q:-And you don't know of any women who claimed to be his wives or plural wife? A:-No sir,I don't know anything about it,I never saw any of them,but I don't know about what they might claim,-I don't know anything about that.
151 Q:-Did you ever hear anybody claim except Emma Smith, that she was the wife of Joseph Smith?? A:-Did I ever hear any other woman but Emma claim that she was Joseph's wife?
152 Q:-Yes sir? A:-No sir,I did not,-not that I remember of. I don't believe that I ever heard that claim made. I don't say that I did or did not,-I say that I have no recollection of it,-I know this that there never was anything said in my hearing about that.
153 Q:-Did you ever hear any of them,-any one but Emma Smith,-did any of them ever come to you or to the Prophet in your presence for money claiming to be the wife of the prophet?? A:-Just state that again.
154 Q:-Did any woman ever come to you,or to Joseph Smith in your presence,during the time of your employment, for money,claiming that she was the wife of Joseph Smith? A:-Never.
155 Q:-They never did? A:-Never.
156 Q:-Was any entry of that kind ever entered on the books by you? Was any claim,or any money paid out by you, or by him,and an entry made of it having been paid to any woman claiming to be the wife of Joseph Smith? A:-No sir.
157 Q:-You say no? A:-Yes sir.
158 Q:-You mean to no woman other than to Emma Smith? A:-Yes sir,of course excepting his wife Emma. Of course that is another thing.
159 Q:-There was no other woman? A:-No sir.
160 Q:-That is all.
Cross examination by Mr.Southern,-
161 Q:-Here is a book marked exhibit "A" and entitled the "Doctrine and Covenants of the Church of Jesus Christ of Latter Day Saints,containing the revelations given to Joseph Smith,jr,the Prophet,etc",-it is too long to read,but it is published at Salt Lake City,Utah,and I believe it will be admitted to be the book purporting to be the book of Doctrine and Covenants published by the Utah church at Salt Lake City? A:-Is that the book that was published by the Salt Lake people?
162 Q:-Yes sir? A:-Yes sir,that is the book I believe.
163 Q:-Now I want you to read from page four hundred and

and sixty four.

Counsel for the plaintiff objects to the question asked the witness on the ground that it is not cross examination, and is incompetent, irrelevant and immaterial.
A:-"And verily I say unto you, that the conditions of this law are these,-all covenants, contracts, bonds, obligations, oaths, vows, performances, connections, associations or expectations, that are not made, and entered into and sealed by the Holy Spirit of promise, of him who is anointed, both as well for time and for all eternity, and that too most holy by revelation and commandment through the medium of mine anointed whom I have appointed on the earth to hold this power, (and I gave appointed unto my servant Joseph to hold this power in the last days, and there is never but one on the earth at a time on whom this power and the keys of this priesthood are conferred) are of no efficacy, virtue or force, in and after the resurrection from the dead: for all contracts that are not made unto this end have an end when men are dead." Now is that what you want me to read?
I64 Q:-Yes sir? A:-Well sir, I have read it,-now what do you want to know about it?
I65 Q:-Did you ever hear that before? A:-No sir.
I66 Q:-You swear you never heard that before? A:-I have read it in there before this, but I never heard of it or saw it anywhere but in there. I know nothing about that at all but what I see in there.
I67 Q:-Can you swear that that is not the Whitney revelation that you have referred to,-about which you have been testifying? A:-Sir?
I68 Q:-Can you swear positively here today that that is not the Whitney revelation? A:-What revelation?
I69 Q:-The Whitney revelation,-the revelation you have testified as having seen and read when it was in the possession of Bishop Whitney at winter quarters? A:-With regard to this?
I70 Q:-Yes sir? A:-With regard to whether it is the same as the revelation that Whitney had?
I71 Q:-Yes sir? A:-Yes sir, I swear it is not the same, for that revelation that Whitney had there had no such words in it to my knowledge. Not the part which I read I know, and if it was ever put into it it was put into it by Brigham Young or some of his clique, for it was not in there at the time that Whitney showed it to me, of that I am positive.
I72 Q:-What was not in it? A:-That part which I have read, that is the first time I ever have seen that to remember it I think. I saw this revelation or alleged revelation before, but this is the first time that my attention was called specially to this particular part of it sir, and I know that that was not in the revelation that Whitney showed me.
I73 Q:-Well I believe you stated that there was enough of the Whitney revelation, or the revelation which he showed you, in this revelation in the Utah book of Doctrine and Covenants for you to identify it? A:-To Idendify it with the one that Bishop Whitney had?
I74 Q:-Yes sir? A:-No sir, I did not say anything of the kind, for there was nothing of that sort in it.
I75 Q:-Well I believe you did state that there was enough in it of the revelation that Whitney showed you, to identify it? A:-I don't understand you.
I76 Q:-Did you not testify here that there was enough in the revelation,-the Salt Lake City revelation,-I mean the revelation as publiahed in the Salt Lake edition of the book of Doctrine and Covenants, to identify it with the revelation that Bishop Whitney had shown you?
A:-I said that if it was the same or any part of it

that there were words and sections or paragraphs added to it in such a manner as to entirely change its meaning,-that is what I said sir; I said that they were mixed up in such a manner and manipulated so as to change its meaning entirely sir. There has been a word or two taken from one place,and some more from another,and it has been warped around so a to change its meaning entirely if it is the same, which I don't say is the case.

177 Q:-Did you not say that there was enough of the original language in it to identify it,-for you to identify it as having been the original revelation?
A:-No sir,I said that they had taken parts of that revelation perhaps,and had added to it in such a way as to change its meaning entirely. I did not say that was the same revelation,and I don't know now that it is or that it is not,but if there is any part of the revelation that Whitney showed me in this,it has been so mutilated and changed around as to entirely change the meaning from what it originally was.

178 Q:-You give that as your opinion? A:-Yes sir,and that was enough for me to know. That was my opinion the first time I saw this one here in this book,and it is my opinion now.

179 Q:-At what time did you read this Salt Lake revelation so called? A:-I read it,-let me see,-I read it five or six years ago. There was a man at Bellevile and he can tell you for he showed it to me,and his name is Joseph Betts,-Joseph Betts,senior. He showed it to me out of the book of Covenants from Salt Lake,and that was the first time I had seen it,for I never was there.

180 Q:-You mean that you were never at Salt Lake? A:-Yes sir,I never was there.

181 Q:-Well that was five or six years ago? A:-Yes sir, maybe six or seven years ago,and maybe not so long and maybe it was longer ago than that. I can't be positive as to the length of time.

182 Q:-When did you see it in the hands of Whitney?
A:-Which one?

183 Q:,-There is only the one that I understood you to say that Whitney had,and now I ask you when it was that you saw the one that he had in his hands? A:-That was in '48.

184 Q:-What time in the year was it? A:-It was in the spring of the year at the time that I was leaving Salt Lake,-I mean Omaha,or winter quarters. I stopped there before I left with Whitney all night,and I read it then,for he gave it to me to read.

185 Q:-When did you leave there? A:-Winter quarters do you mean?

186 Q:-Yes sir? A:-Well that was in the spring of '46 and I left there the next morning,for I stopped with Bishop Whitney the night before I left there for good. I just happened accidentally to stop there with him that night,for I should have gone away the night before,but I could not get over the river for the ferry had stopped,and that was the reason that I stopped with Whitney as I did,and that was the time and the only time I read it.

187 Q:-How many times did you read it? A:-Once.

188 Q:-Having read it but once,are you prepared to say from memory ,after the lapse of nearly or quite ~~fifty years~~ forty years,are you prepared to say that the revelation published in the Utah book of Doctrine and Covenants has been changed from the revelation that Bishop Whitney showed you? A:-Yes sir,I say if it is the same revelation it has been very greatly changed from what it was when I read it at Bishop Whitney's house.

189 Q:-Now upon what do you base for that? A:-Well I can not understand that question.

I90 Q:-I asked you upon what basis you based that opinion A:-Well I can't tell you other than my remembrance of these things. I can remember whether a thing contains certain matters after forty years. Now take that so called revelation in this book,-if you were to ask me forty years hence if it had been changed,I could tell you,for if there had been any material change in it I would remember it. That revelation as it is now teaches polygamy,and if it is changed by taking that out of it,I would remember it although I might not see it for forty years,and I would be able to tell you that there is a change in it too.

I9I Q:-You never saw that revelation but the one time,and that was at winter quarters,and in the hands of Bishop Whitney? A:-Yes sir.

I92 Q:-Was that the only time you saw it? A:-Yes sir.

I93 Q:-And you read it once? A:-Yes sir.

I94 Q:-Was it written in a good clear hand? A:-Yes sir.

I95 Q:-Was it written in black ink or blue ink? A:-In black ink.

I96 Q:-You are sure of that? A:-I think so.

I97 Q:-Do you know who it had been written by? A:-Yes sir.

I98 Q:-Who had written it? A:-I told you that I thought it had been written by Clayton.

I99 Q:-By W William Clayton? A:-Yes sir.

200 Q:-Did you see him and ask him about it? A:-No sir, for he was not there.

20I Q:-Why should he have written that? A:-I don't know anything about that and I did not ask him.

202 Q:-Did you know his hand writing? A:-Yes sir,I did know his hand writing.

203 Q:-You say it was in William Clayton's hand writing? A:-I say I think it was,but I don't say that positively,for others might write the same,-I don't know anything about that,but I think it was his hand writing.

204 Q:-How could you thirty five or forty years ago read over a page of manuscript,and remember what was in it so well as to testify forty years afterwards what was in it so well,as to testify what was in it? A:-Yes sir,I could at that time,and I can tell you things now that transpired over fifty years ago. Now I don't say mind you,that I could do it forty years hence.

205 Q:-You say then that you could read over two or three pages of manuscript forty years ago,and tell what was in it? A:-Yes sir,if it was something that particularly impressed itself on my memory,and that was something that left a very strong impression on my mind, for that was the first time I had seen that revelation on sealing,and the only time I saw it,and I was interested in it to a great extent,and I observed it closely,and I remember about what the doctrine was that was taught,and I know that this doctrine of polygamy was not taught in it.

206 Q:-Could you recollect it accurately? A:-I could remember when I saw it whether it was the same or not, if it was anything like that sir.

207 Q:-Are you willing to rely on your memory in relation to this matter and testify that these revelations we not the same,-that is that the revelation that Whitney showed you was not the same as this published in this book? A:-Yes sir,I would swear positively that they were not the same at all.

208 Q:-Well wait a moment,-are you willing to say that forty years after you had read two or three pages of a manuscript that you are able or capable of identifying what purports to be that manu-

script or a copy of that manuscript? A:-In what way?
209 Q:-In any way,-from memory? A:-Yes sir,I can to some extent,I can tell,for I know what you mean,-I can tell that there are principles taught in this book here in this alleged revelation that are not taught ,-I mean were not aught in that revelation that Whitney had. I know that of my own knowledge sir,and you can make what you please out of it. Now wait,don't interrupt me,-give me a chance to explain myself,-I have given you the reasons as to why I would be more than likely to remember this rexelation and what was in it that Whitney showed me,and I do remember it, and I know that the principles that were taught in the one that Whitney showed me,are not in this one in this book,and if it is the same revelation it has been added to and changed so that there is not the same meanin, in it that was in the original. I say, mark you,if it is the same,for I don't say that it is the same ,by any means.
210 Q:-Well they are not the same? A:-No sir,for that did not teach any such stuff as this here in this book, nor any like stuff.
211 Q:-Then I understand you to say also that you remember the language of that manuscript so well that you can tell that some of the language that was in that manuscript is in this Salt Lake book? A:-Is in there?
212 Q:-Yes sir? A:-In that book?
213 Q:-Yes sir,in that Salt Lake book? A:-Yes sir,there is some of it in it I think,or something like it.
214 Q:-Then it is a fact that you remember it so well that you can remember some of the language that was in there? A:-Yes sir.
215 Q:-And some of it had been changed,-you remember that also? A:-Yes sir,it has been changed,and a good deal put in there that was not in there at all,-that is some has been put in that was not in the manuscript at all,-that is assumin, that they are the same,for I don't say that any part of this manuscript was put in this book at all.
216 Q:-Well assumin, that it was it has been changed? A:-Yes sir,it has been changed from that it was there.
217 Q:-But some of it is the same? A:-Yes sir.
218 Q:-Were there any other principles taught in what you read from the Utah book of Doctrine and Covenants but the principles of polygamy? A:-I cannot say. I never read but that one principle,for I did not have it any time,-I was disgusted with it when I read it. I just read it the one time and handed it back to the man who had given it to me.
219 Q:-Was that piece you looked at just one part or just one section? A:-Yes sir,he just handed it to me and asked me what I thought about it,and I expressed my opinion and handed it back to him.
220 Q:-You read it of course before you expressed your opinion? A:-Yes sir,certainly I did.
221 Q:-You did not look at any thing only what he called your attention to? A:-That was all.
222 Q:-And that was on the question of polygamy? A:-Yes sir.
223 Q:-Well as it was a very important matter,as you regarded it,this doctrine of polygamy,why is it that you did not when you first saw how the Utah church was- using it,or handling it,why did you not then look over all that was said? A:-I did not have any interest in it at all. It was a matter of no special interest to me,for I knew long before that from what I had heard the position they had taken and what the claimed and taught. I had nothing to do with them and I would not be with them on account of their wick-

edness. I did not care anything about them or what they taught for I knew they were lost in their wickedness.

224 Q:-Then you did not care whether they practiced polygamy or not? A:-No sir.

225 Q:-Why did you not take an interest in that? A:-Well I did not care anytging about it for that was their business,and not mine,and I did not see that I had any particular interest in it.

226 Q:-It was a matter of indifference to you then? A:-No sir,not exactly that,for I knew that I could not do anything with them and I did not have to answer for their crimes.

227 Q:-Your conscience was easy on that score? A:-Yes sir perfectly easy.

228 Q:-You have testified here today as to what you understood sealing between husband and wife to be? A:-Yes sir.

229 Q:-What was that? A:-They were to be married according to the ordinances,-that is all.

230 Q:-Well then did sealing mean marriage? A:-That is what I understand it to be,and that is about all I did or do know about it.

231 Q:-Sealing then was not only for time but for eternity as well? A:-Yes sir,that was what was provided for in that ordinance.

232 Q:-Who could be sealed? A:-It was for husband and wife that was all,-they could be sealed for time and eternity,and they were the only ones that could be sealed.

233 Q:-That was done through a revelation? A:-What is that?

234 Q:-The authority for that was through a revelation through Joseph Smith,was it not? A:-That was done by the authority of the church sir.

235 Q:-It was authorized by the church then? A:-Yes sir.

236 Q:-And not by a revelation? A:-They said it was by a revelation,but I never read it,and I don't know what it was for I never had anything to do with it.

237 Q:-Your garments were clear from sin? A:-Yes sir,they are clear from polygamy entirely. There is no taint of polygamy on my garments,-I have kept clear of that sir.

238 Q:-Now what I was going to ask you was this,-how if a man was sealed for time and eternity to his present wife,and she died and he married another,and he was sealed to her,-how would it be in the hereafter with that woman? A:-Oh I don't know that they were that way.

239 Q:-Well wait a moment,-would not that man have two wives in eternity? A:-Well sir,I don't know. I could not say anything about that for I never knew of a circumstance of that kind. I will tell you what I think sir,-I believe that polygamy was from the devil from the beginning,and that is my opinion and I don't care who knows it either sir.

240 Q:-Now under that revelation did not a man have a right,if he was a member of the church,did not- a man have a right to be sealed to his wife? A:-No sir.

241 Q:-He did not? A:-No sir,he had a right to have his wife sealed to him.

242 Q:-Well suppose that a man had one wife,and she was sealed to him and then died,and then he married another woman how would it be? A:-What is that?

243 Q:-Supposing I say that a man had a wife,and she was

sealed to him and she died, and then he married another wife,-how would that be then? A:-Well that would be all right,-but I don't know much about that,-I did not have anything to do with the business of sealing.

244 Q:-Well would not that man have two wives in eternity? A:-No sir.

245 Q:-Why not? A:-Because they would not seal two wives to him for eternity.

246 Q:-Well how do you know that? A:-Well that is what they said.

247 Q:-Well was there not a revelation to that effect? A:-I don't know anything about it,-I did not read the revelation.

248 Q:-Well now is it not a fact that this practice or doctrine of polygamy grew out of that sealing doctrine, and that they were sealed as you have suggested for eternity, and being sealed for eternity, was not the next subject and suggestion, that if they were sealed for eternity they might also be married for time? A:-Well I can't answer that question, for I don't know anything about it, sir. I can't answer that question for it is something I don't know about.

249 Q:-Well is it a fact that if Joseph Smith had any extra wives, or other wives than Emma Smith, if he did have,-as those extra wives are practised it,-that if practice polygamy, he would not be likely to let you see him at it? A:-Well I don't believe he ever did any such a thing. 250 Q — Well if he did that he would not have let you know anything about it — it is altogether probable that he would not let you know anything about it — if he could prevent it? A — Well I say I don't believe he ever did any such a thing.

251 Q:-Well sir, answer my question,-is it likely that when he practised polygamy-if he did practice it, that he would have invited you to witness it? A:-I don't believe that he ever did practice it.

252 Q:-Well is it probable that he would have invited you to see him practice it? A:-I don't know anything about that.

253 Q:-Well now answer that question,-is it probable that he would have invited you to witness it,-to witness his practicing it?
A:-Well I say I don't know. I don't think he is guilty of practicing it sir. I don't believe he was ever guilty of practicing it.

254 Q:-Well supposing that he was guilty of it, would he have invited you to witness his practicing it?
A:-I can't answer supposed cases.

255 Q:-You decline to answer that question? A:-Yes sir, for I can't answer it.

256 Q:-Well now does it follow that because you did not see him practice polygamy, that he did not practice it?
A:-I told you that I did not believe that he ever practised it, and I told you that he never taught it to me not to any one else that I know of, and that I never heard him say anything about it one way or the other.

257 Q:-He did not talk to you about it? A:-No sir.

258 Q:-The question is,-you say you did not hear him say anything about it one way or the other? A:-No sir.

259 Q:-Now I am not denying that, but the question is, does it follow that he did not practice it because you did not see him practice it? A:-I can't answer those questions because I don't know anything about it.

260 Q:-Well I will ask you this as matter of reason, and

within the workings of your own mind,-does the fact that you did not see him practice polygamy,prove to the satisfaction of your own mind that he did not practice it? A:-I cannot say.

261 Q:-You have no answer to make to that at all? A:-No sir,I have nothing to say to that at all.

262 Q:-Well then you say you never spoke to him about polygamy? A:-No sir,and he never spoke to me about it.

263 Q:-Well I will ask you this question,-did Joseph Smith know that you were opposed to the practice of polygamy? A:-How could he know it when he never mentioned it to me one way or the other. There never was anything said about it between us,and he could scarcely know that I was opposed to it.

264 Q:-He did not talk to you about it? A:-No sir,he never did. He never mentioned it to me one way or the other,and I think I have told you that at least a dozen times.

265 Q:-Well do you think that his confidence in you was so great,that if he had more than one wife,or a dozen wives,that he would keep the accounts of those wives from you,or allow you to keep them for him? A:-Well I know that I never did keep any accounts of that kind and I don't think he ever did have but the one wife.

266 Q:-Did you overhear Melissa Lott? A:-Melissa Lott who?

267 Q:-Melissa Lott? A:-Melissa Lott?

268 Q:-Yes sir? A:-No sir,I don't know that I did. I don't recollect the name at all.

269 Q:-You do not recollect the name of the woman at all? A:-No sir,I have no recollection of it at all.

270 Q:-Did you know Eliza Partridge? A:-No sir,that was before I went there,and I don't know anything about it at all.

271 Q:-Did you know Emily Partridge? A:-No sir,I did not know any of the Partridges,-that is not to be acquainted with them.

272 Q:-You did not know either Emily or Eliza Partridge? A:-No sir.

273 Q:-Did you know Maria Lawrence? A:-No sir,I did not know her by that name.

274 Q:-Did you know her by the name of Smith? A:-What's its name? it?

275 Q:-The one that was Maria Lawrence,-did you know her? A:-I knew William Smith and his wife,and I knew Samuel Smith and his wife,but I don't know what their first names were.

276 Q:-Did you know Sarah Lawrence? A:-I don't recollect the names at all. If I knew them I don't recollect these name now,and that was a very long time ago you know for a person to remember the names of people that he was not very well acquainted with,if he was acquainted with them at all,and I don't say that I ever knew those people,for I don't remember them at all now if I did.

277 Q:-Did you know Sarah Walker? A:-No sir.

278 Q:-You did not know her either? A:-No sir.

279 Q:-If these,or any of these women whose names I have mentioned were at any time the wives of Joseph Smith you never knew anything about it? A:-No sir,I never did,and I don't believe that any of them ever were.

280 Q:-Well if they were his wives,he would not have been likely to have told you about it would he? A:-I don't know. I know he did not tell me,or say anything about it one way or the other,and I don't believe they were his wives either.

281 Q:-Were you in and about Joseph's residence often A:-Yes sir.

282 Q:-For often would you be there? A:-Oh I would be there very often.

283 Q:-Well how often would you be there at Joseph's house? A:-I could not tell you,-I would be there I should say about every week,more or less. I would be there just when I had business there,or felt like going when I had the time.

284 Q:-What business would take you there to Joseph's house? A:-I can't say,for just when I had business that would take me down there I would go down to see him perhaps,and very often I would go when perhaps I would have no business at all. When I had business there and would go there,I can't tell you now what that business was.

285 Q:-Well what business did you have,or would you have in his family? A:-Only to talk with him on any business that might come up that might come up and that would be urgent and I felt that it was necessary to see him.

286 Q:-Well that is that is what would take you down there to his house? A:-Yes sir.

287 Q:-Just general business? A:-Yes sir,anything that would come up that I wanted to see him about.

288 Q:-Was it not your custom generally to transact your business at the office? A:-It was.

289 Q:-Well then what occasion did you have to go to his house at all on business? A:-Well only as I told you if there could be something come up that required his attention,or I wanted his advice about it,and I knew that he was at his home,why I would go up to his house and see him,and ask him about it.

290 Q:-Well where could you find him at his residence? A:-Where would I find him?

291 Q:-Yes sir? A:-Why there at his house of course.

292 Q:-I mean whereabouts at his residence could you find him sir? A:-Why in one of the rooms of course.

293 Q:-Could he always be in one room? A:-No sir,he could be in the kitchen,some times in the dining room,-in one room and another the same as any man could be around his home.

294 Q:-Did you ever see anybody in a room with him? A:-Yes sir.

295 Q:-Who have you seen? A:-I have seen his wife in a room with him very often.

296 Q:-Was she always in the room with him? A:-No sir, of course she was not,-sometimes she would be in the room with him,and sometimes some of his children would be in the room,and sometimes he could be alone in the room.

297 Q:-How many rooms did he have in his house? A:-Well he had a very comfortable residence,-I can't say how many rooms there was in it,but it was a very comfortable residence.

298 Q:-Did it have rooms up stairs and down stairs both? A:-Yes sir,it was the "Nauvoo Mansion" part of the house I was there during his lifetime,and there was rooms both upstairs and downstairs.

299 Q:-Was not his family pretty extensive at that time? A:-Yes sir,he had considerable children.

300 Q:-How many children at that time living with him? A:-Well all he had were living with him.

301 Q:-Well how many children did he have,if you remember and what were their names? A:-Well he had Joseph and he had Alexander and he had Fred,-I remember that those three boys used to come and play with my boys. I remember that they used to do that for I lived not a great ways from there they lived,and they

would come over to p play with my boys occasionally.
302 Q:-Well was that all the children he had at that time
A:-Yes sir,I think so,-yes sir,that was all.
303 Q:-How did he not have another son? A:-He did not at
that time,for David was not born then,-he was not
born until after Joseph was martyred.
304 Q:-Did you ever know Eliza Snow? A:-Yes sir,I have
known her and I have seen her.
305 Q:-Were you well acquainted with her? A:-Well well
enough to know who she was.
306 Q:-Did you ever see her there at Joseph Smith's?
A :-Yes sir,-did you ask me if I ever saw her at
Joseph's? I am very sorry sir for I am rather hard of
hearing.
307 Q:-Yes sir,I asked you if you ever seen Eliza
Snow at Joseph Smith's? A:-Yes sir,I have seen her
many times. I remember everything about it.
308 Q:-Did you know where she lived? A:-Yes sir.
309 Q:-Did you ever see Joseph Smith at her house? A:-No
sir.
310 Q:-Did you ever see him at her house,-at her father's
or at I know? A:-No I never saw Joseph at her house
at all. Sure?
311 Q:-You did? A:-No sir,I never did. I knew her and I
knew where she lived,but I never saw him at any of
his places. I knew her pretty well,but I never saw
him at her father's house,or her at his house.
312 Q:-Do you say you saw her,-where did you see her?
A:-On the street and in meetings on Sundays.
313 Q:-Do you know where she lived? A:-Yes sir.
314 Q:-Your sir? A:-Just the same as I would know you if I
saw you on the street,or any place else.
315 Q:-Did you ever see Joseph Smith together?
A:-No sir.
316 Q:-Did you ever see Lyman? A:-Who?
317 Q:-Lyman? A:-William Law's wife?
318 Q:-Yes sir? A:-Did I know her?
319 Q:-Did you? A:-No sir,for I never was in his house,
for there is only another lady in accordance with
320 Q:-Did you ever see her and Joseph together? A:-No
sir,I never did. I never did sir.
321 Q:-Did you ever have any conversation with Joseph
Smith? A:-Never sir.
322 Q:-Did you ever have any conversation with her?
A:-About what?
323 Q:-About anything,-about anything? A:-No sir.
324 Q:-Do William Law's people disapprove towards the
Church? A:-Why do you mean Law? A:-Difficulty?
325 Q:-Yes sir? A:-Why he left off plan, with John C.
Bennett.
326 Q:-Did Joseph suffer Joseph's death? A:-Yes sir.
327 Q:-Did you know that too much? A:-Yes sir.
328 Q:-Do you know what the trouble was? A:-Well all I
know is, because of the great number of
329 Q:-Did you have a matter with William Law? A:-I don't
know that was the matter with him. I don't know that
I ever had anything the matter with him.
330 Q:-Was there any trouble between him and Joseph?
A:-No sir,not that I know of.
331 Q:-You said you were the secretary and kept the pri-
vate affairs of Joseph Smith? A:-Yes sir.

332 Q:-You were the secretary of Joseph Smith or the church which? A:-How is that?
333 Q:-You were the secretary of Joseph Smith or the church? A:-Joseph Smith.
334 Q:-Or the church,-which was it? A:-I say I was the secretary of Joseph Smith. I was one of his secretaries.
335 Q:-You are sure of that? A:-Yes sir.
336 Q:-And you kept his journals? A:-Yes sir.
337 Q:-Did you keep his letter books? A:-Yes sir.
338 Q:-Was Brigham Young, after Joseph, President? A:-William who?
339 Q:-Brigham Young, was he the president after Joseph Smith? A:-I don't think I knew William Young.
340 Q:-I did not say "William Young," I said Brigham Young A:-Oh Brigham Young?
341 Q:-Was he chosen president after Joseph Smith? A:-Not when Joseph was living he was not.
342 Q:-Where were you when he was chosen president? A:-He was never chosen president,-not to my knowledge. If he was ever chosen president I don't know anything about it, but they said at quarter conference he was chosen president at Kanesville at the time they held a conference there, but I was not there so I don't know anything about it of my own knowledge,-that is only what I heard about it, and I don't know that he was chosen president.
343 Q:-Was he, or was he not President of the Twelve at Nauvoo? A:-At what time?
344 Q:-At the time you were there in Nauvoo, or any part of the time you were there, and before the death of Joseph Smith? A:-Yes sir.
345 Q:-He was President of the Twelve at Nauvoo? A:-Yes sir.
346 Q:-Who was the Vice President of the Twelve? A:-I was not there, and I don't know who was the Vice President of the Twelve, for I was not there at the time.

Counsel for the plaintiff object to the question asked the witness, and to all this line of examination on the ground that it is immaterial and irrelevant, and not proper cross examination.

347 Q:-Was not Brigham Young there at Nauvoo after Joseph Smith the death of Joseph Smith accepted in the,-in the capacity as the President of the church?

Counsel for the plaintiff objects to the question asked the witness on the grounds and for the reasons that it is immaterial, irrelevant and immaterial, and not proper cross examination.

A:-No sir.
348 Q:-He was not? A:-No sir, he was not. Not at Nauvoo.
349 Q:-He was not, you say, and you are positive of that? A:-I am positive that he was not so chosen at Nauvoo but if you want me to tell you about it I can tell you the whole story.
350 Q:-Well go ahead and tell it? A:-Brigham Young never was chosen until he was chosen there at Kanesville.

Counsel for the plaintiff objects to the question asked the witness on the ground that it is not responsive to the question and is not cross examination.

351 Q:-I believe you testified when you were on the stand before that you were acquainted with the publication known as the "Times and Seasons"? A:-Yes sir, and I have got the Times and Seasons at my home.
352 Q:-Was that a church publication? A:-Was it published by the church do you mean?

353 Q:-Yes sir,-in other words as I put it,was it a church publication? A:-Yes sir,of course it was. Of course it was a church publication just the same as what the Herald is now.

354 Q:-Would you refresh your memory and read from page six hundred and thirty seven under the heading "special meetings",-read the first paragraph in the second column?

Counsel for the plaintiff objects to the question asked the witness on the ground and for the reason that it is incompetent,irrelevant and immaterial,and not cross examination,and for the further reason that the book from which witness is asked to read has not been identified.

355 Q:-Well read that? A:-Well what do you want to know by that? What do you want me to read that for?

356 Q:-Well read it? A:-On the 8th of August 1844,at a special meeting of the church of Jesus Christ of Latter Day Saints,convened at the stand in the city of Nauvoo,President Brigham Young called the audience to order,and arranged the several quorums according to their standing, and the rules of the church. The meeting had been previously called as stated,to choose a guardian or trustee for said church." Well what about it?

357 Q:-Well does not that refresh your recollection? A:-No sir.

358 Q:-It does not? A:-No sir. It was not necessary for me to read that,for I knew it as well as I do now without reading it.

359 Q:-Well are you not able to say now after reading that paragraph which I have called your attention to that Brigham Young on the 8th day of August 1844,was not the President? A:-No sir,he was not the President of the church.

360 Q:-You say notwithstanding that paragraph that he was not the President of the church? A:-I say at that time he was not elected president of the church.

361 Q:-Well I did not say anything about his being elected President of the church,but at that time was he not the acting President of the church? A:-No sir, he was not the acting President that I know of.

362 Q:-He was not the acting President,you say? A:-Yes sir,that is what I say.

363 Q:-Well is the paragraph which I have called your attention to,and which you have read,true or not true; is it true or false? A:-It is not true sir. It is not true,because it was never done according to what is said there.

364 Q:-That is not true? A:-He did not set the quorums in order.

365 Q:-I offer the paragraph here on page six hundred and thirty seven,under the head of "Special meetings" in evidence. It is found in exhibit "O" in the second column of the page I have stated,-I offer the whole of the article or section under that heading?

Counsel for the plaintiff objects to the question and the offer of the defendant above specified on the ground that it is incompetent,irrelevant and immaterial to any of the issues involved in this case,and not cross examination,and for the further reason that the book or exhibit from which the part is offered i not and has not been properly identified.

The part offered is in words and figures,as follows,-

"Special Meeting".

"On the 8th of August 1844 at a special meeting of the church of Jesus Christ of Latter Day Saints convened at the stand in the city of Nau-

voo, President Brigham Young called the audience to order, and arranged the several quorums according to their standing and the rules of the church. The meeting had been previously called, as stated, to choose a guardian or trustee for said church.

Elder Phelps opened the meeting by prayer, and President Young then proceeded to speak, and gave his views of the present situation of the church, now that the prophet and patriarch were taken from our midst by the wickedness of our enemies. For the first time since he became a member of the church, a servant of God, a messenger to the nations in the nineteenth century; for the first time in the kingdom of God, the Twelve apostles of the lamb, chosen by revelation in this last dispensation of the gospel for the winding up scene present themselves before the saints to stand in their lot according to appointment. While the prophet lived we all walked by "sight", he is taken from us and we must now walk by "faith". After he had explained satisfactorily that every saint could see that Elijah's mantle had truly fallen upon the Twelve, he asked the saints what they wanted. Do you want a guardian a prophet, a spokesman, or what do you want? If you want any of these officers signify it by raising the right hand." Not a hand was raised.

He then gave the saints his views of what the Lord wanted. Here are the "Twelve" appointed by the finger of God, who hold the keys of the priesthood, and the authority to set in order and regulate the church in all the world. Here is Elder Amasa Lyman and Elder Sydney Rigdon; they were Counselors to the First Presidency, and they are counselors to the Twelve still; if they keep their places; but if either rise to be spokesman for the prophet Joseph, he must go behind the veil where Joseph is. He continued his remarks for nearly an hour, opening by the Spirit of God, the eyes, ears and hearts of the saints to the subject before them, and to their duty and the glory of God.

Elder Amasa Lyman followed and fully accorded with the views of Elder Young. I have been at the back of the prophet Joseph and I shall be at the back of the "Twelve" There is no need of choosing a guardian or head, the apostles have the power as they had anciently, and this is the power that turns the key and will bear off the kingdom of God in all the world, triumphantly; and I will hold them obtain that glory, that eye hath not seen, ear hath not heard, and the heart of man hath not conceived. His remarks were continued in the full fruition of the spirit that whispers; union is strength and peace is joy.

Elder Phelps spoke next, and continued the same spirit and feeling, having known many of the elders for fourteen years, who had seen that take their lives in their hands, without purse or scrip, in summer and in winter, through good and through evil report, for the salvation of souls and for the benefit of Zion, without the hope of reward, save glearing God and obeying his commandments, - had seen them harnessed for war when sicken men sought their lives and endeavored to destroy their wives and children; and at all time they were willing to act by counsel; they will do it now; this lake of faces does not seem so pleasant without indication good; and the elders who have stood on the right and left of our departed prophet, knowing the power and authority of the priesthood will honor it. Elder Rigdon must know how he obtained his endowment, or what he has; for he has not received all, only a small part. Let him and the whole of Israel rejoice this day, for if they rear that temple and are faithful they shall all be endowed (men and women) as God will, till they

themselves and their progenitors,as well as secure their posterity. Fear not concerning a prophet; Joseph held the keys in this world and holds them in the world to come, and counsels for you now. I understand the revelations and know that in them all things are written concerning the Twelve.

Elder P.P.Pratt said that what had been said,was well said,and went into the merits of the subject with his usual animation. Says he,I know we can all live happy if we deal with honest men; I do not like the practice when any one is sick or in difficulty to run to a doctor or lawyer,run to the very worst men to be cured or helped out of a difficulty. Let me die a natural death and suffer wrong,rather than hire a doctor to kill me,or a lawyer to fleece me and leave me to the mercy of the world. As to merchants,I say nothing of them. You know what I mean.

Elder Young again remarked,-I do not ask this assemblage to take my counsel;act for yourselves; if Elder Rigdon is your choice manifest it; if the Twelve be the men to counsel you to finish the great work laid out by our departed prophet,say so,and do not break your covenant by murmuring hereafter. When the whole subject was clearly explained and understood,and Counselor Rigdon refused to have his name voted for a spokesman or guardian,the question was put "all in favor of supporting the Twelve in their calling, (every quorum,man and woman),signify it by the uplifted hand." and the vote was unanimous,no hand being raised in the negative. The next vote was that the Twelve should select and appoint two Bishops to act as trustees for the church,according to law. This vote was unanimous also. Another unanimous vote was passed to use every exertion to forward the building of the temple,and so strengthen the hands of the committee. The revelation relating to tithing was referred to,and the manifestation of every saint seemed to be,we will do as the Lord hath commanded; and the assembly was dismissed with the blessing of the Lord.

(The following note to the above appears as part of the communication or article above set forth.)

The Twelve would invite the brethren abroad,in obedience to the commandments of the Lord,to gather at Nauvoo,with their means,to help build up the city,and complete the temple,which is now going forward faster than it has at any time since it commenced. Beware of the speculations about the prophet. Believe no tales on the subject; time will tell who are the friends of Joseph Smith,who laid down his life for his brethren. We have no new commandments,but beseech the brethren to honor and obey the old ones. For where-so-ever the carcass is,there will the eagles be gathered together. More in the next.

Brigham Young,
Sept 2. 1844. Pres. of the Twelve.

366 Q.Q:-Was not Brigham Young,soon after the death of Joseph Smith,recognized as the leader of the church at Nauvoo? A:-As President?

367 Q:-As the leader I say? A:-He was not recognized at Nauvoo as the President of the church,-he was recognized as the President of the Twelve,-that was all.

Counsel for the plaintiff objects to the question asked the witness,and the answer thereto,on the ground and for the reason that it is not cross examination,and is incompetent,irrelevant and immaterial,and moves the court to exclude the answer for that reason.

368 Q:-Well now I will ask you again whether or not he was recognized as the leader of the church? A:-No sir

369 Q:-He was not? A:-No sir,not any more than the rest of the Twelve.

370 Q:-He was not a leader any more than the rest of the twelve were,-is that what you say?
Counsel for the plaintiff objects to the question asked the witness on the ground and for the reason that it is incompetent and immaterial,and not proper cross examination.
A:-No sir,he was not in church matters.
371 Q:-Not in church matters? A:-No sir,in affairs of that kind it had to be the quorum. He did not do it himself,for it was not valid if he did it without the quorum.
372 Q:-Did he have any more functions than any other of the twelve?
Counsel for the plaintiff objects to the question, the reason above set forth.
A:-No sir,only the function of presiding over the twelve in his presidency. [illegible] unopposed. Counsel for the plaintiff objects - [illegible] of the witness, and now [illegible] to exclude it from the record on the ground that it is incompetent and [illegible].
375 Q:-[illegible] will you say to this cross-[illegible],-was he not the high priest officer in the church at that time? A:-I don't [illegible] in some things
374 Q:-Who was higher than he? A:-He is not [illegible] in [illegible] matters,but not in temporal affairs.
375 Q:-Well was he the high priest officer in the spiritual affairs of the [illegible]? A:-No [illegible] the twelve,-he was the president of the twelve.
376 Q:-[illegible] A:-I say [illegible] the church.
377 Q:-[illegible] church? A:-[illegible] day [illegible] prior to [illegible] in [illegible].
378 Q:-A[illegible] of the Twelve [illegible] church in a spiritual affair [illegible] twelve,-the three [illegible] would say?
A:-[illegible] difference [illegible] of church [illegible] and [illegible] of the Twelve,was [illegible] to do so [illegible] counselling.
379 Q:-[illegible] church [illegible] ment?
A:-[illegible] of the twelve, [illegible]?
380 Q:-Yes [illegible]? A:-[illegible].
381 Q:-[illegible] could [illegible] over the [illegible] ment? A:-[illegible],not if [illegible].
382 Q:-[illegible] and the church was called [illegible] number than the twelve. [illegible] presiding? A:-Yes sir. Well no,[illegible] it [illegible] called [illegible] or [illegible] obligated [illegible]. They could have filled [illegible] ment,and [illegible] could in that way [illegible] things.
383 Q:-[illegible] will promise to [illegible] you say? A:-Yes sir,by [illegible] consent,but it would have to be one of the twelve or 70, not one else.

It was impossible to go on at the taking of testimony on this day, by consent of the parties hereto aforesaid,the further taking of said testimony was continued until Thursday,August 4th 1892 at the hour of 1.30 o'clock in the afternoon of that day,at the place in that behalf later aforesaid.

Now at the hour of 1.30 o'clock in the afternoon of Thursday August 4th 1892 come the parties hereto as aforesaid, and the further taking

of the depositions herein was continued pursuant to adjournment.

C-C.Reynolds,of lawful age,being produced,sworn and examined,in rebuttal,on the part of the plaintiff,testified as follows,-

Direct examination by Mr. Kelley,-

1 Q:-State your name to the Notary? A:-My name is C.A. Reynolds.

2 Q:-You say at the present time you live Mr.Reynolds? A:-Where do I live now?

3 Q:-Yes sir,-where do you live at the present time? A:-I live in Cedar County.

4 Q:-In what state? A:-Missouri. Cedar County ,Missouri.

5 Q:-How long have you lived there in Cedar County? A:-Oh let, in 1900,-about twelve years.

6 Q:-Where did you live before you went to Cedar County? A:-I lived in Cass County,and in Jackson County.

7 Q:-In Cass and Jackson Counties,Missouri? A:-Yes sir.

8 Q:-You live in Jackson County before you lived in Cass County? A:-Yes sir.

9 Q:-Where did you live before you lived in Jackson County? A:-In Illinois.

10 Q:-Near what place? A:-Near Washburn in Woodford County.

11 Q:-Where were you born? A:-I was born in Des Moines City sir.

12 Q:-How old are you? A:-In next October,on the 15th day,I will be seventy two years old.

13 Q:-Are you a member of the original Church of Latter Day Saints,at the time of the death of Joseph? A:-Yes sir.

14 Q:-You were a member of the church at the time of the death of Joseph? A:-Yes sir.

15 Q:-Where do you live then? A:-I lived in New York City.

16 Q:-At that time you became a member of the original church? A:-Yes sir.

17 Q:-Where did you become a member of the original church? A:-In New York City.

18 Q:-Who baptized you? A:-Brother F. Mantle baptized me into the church.

19 Q:-Have you been acquainted with a man by the name of Granville Hedrick? A:-Yes sir.

20 Q:-When did you first become acquainted with him? A:-In Illinois.

21 Q:-I asked you when you became acquainted with him,-not where? A:-Well the first time I saw the man,it was in Lakin,the county seat of Marshall County.

22 Q:-In what year was that that you became acquainted with him? A:-Well I don't remember exactly,but it was somewhere along about the year '50. I can't tell just exactly the date of the year,for I didn't keep it,but it was somewhere near along about that time.

23 Q:-Were you a member of any religious organization with Granville Hedrick in Illinois,along about that time? A:-Yes sir.

24 Q:-Was Granville Hedrick an elder in the original church? A:-Yes sir.

25 Q:-Before Joseph Smith's death I mean? A:-Yes sir.

26 Q:-Under whose direction did you come to Jackson County,-if you came under anybody's direction? A:-Well we came here under his direction.

27 Q:-Whose direction? A:-Granville Hedrick's.

28 Q:-When did you come? A:-Where?
29 Q:--When did you come to Jackson County first?
A:-Well I came in the fore part of '68.
30 Q:-How long after you came here was it before Granville Hedrick came,if at all? A:-Well,I can't say positively,but it was something like a year or two after we came here before he came.
31 Q:-That he came here? A:-Yes sir.
32 Q:-You say it was about a year or two after you came where he came? A:-Yes sir,something like that. I don't recollect exactly how long it was,-I recollect however that it was a year or two or somethin, like that that he came here,-but the exact date I do not remember.
33 Q:-I hand you here a book marked "Pl'ff's exhibit W" and ask you to look at it and say if you ever saw it before? or one just like it? A:-Yes sir.
34 Q:-You have read that book? A:-Yes sir,I have seen and read it. It is a book.
35 Q:-Who book is it? A:-Granville Hedrick's.
36 Q:-Does that contain the doctrine that was preached by Granville Hedrick,-the doctrine of what is known as the "Hedrickite church" that you all believed in at that time? A:-Yes sir.
37 Q:-Do you say you have seen that before? A:-Yes sir.
38 Q:-Are you acquainted with C.A.Hall,one of the defendants in this suit? A:-Charles Hall?
39 Q:-Yes sir,-Charles A. Hall? A:-Yes sir.
40 Q:-Do you recognize him here? A:-Yes sir,that is the gentleman sitting there.
41 Q:-Don't he look like him? A:-Yes sir.
42 Q:-When did you first become acquainted with him? A:-Well I don't be certain as to dates,but it was some two or three years ago anyhow. He was not here long a while before I got acquainted with him.
43 Q:-By "here" what do you mean? A:-I mean here at Independence. I don't recollect just when it was but it was not long after he came here that I got acquainted with him.
44 Q:-Was Charles A. Hall an early member in the Hedrickite church? A:-Yes sir. He professed to be anyhow, but I don't know of my own knowledge anything beyond that he professed to be,and he professed to be an earnest member of the church.
45 Q:-The question is was he an early member of the Hedrickite church,-that is did he become a member of that church in its early date? A:-What do you say?
46 Q:-I question is,-did Hall become a member of the Hedrickite church at an early date? A:-Yes sir,I don't know as I know. I think he went on to the re-organized church for quite a while if I understand it right.
By Mr. Patterson,-"I object to the question,and the answer of the witness specifically,and generally to all this line of examination and the questions asked this witness on the ground that it is not in any ~~re~~ sense rebuttal,and does not tend to rebut any testimony offered by the defendant in any of them,and it is not pertinent to any question raised by the pleadings in this case and on the further ground that it is immaterial,irrelevant and incompetent."
47 Q:-When did C.A.Hall unite with the Hedrickite church if you know?
Counsel for the defendants objects to the question asked the witness

on the ground and for the reason that it is incompetent, irrelevant and immaterial, and not proper rebuttal.

A:-When did Charles Hall unite with the church known as the Hedrickite church?

48 Q:-Yes sir, when did that occur, if you know? A:-I can't tell the exact date.

49 Q:-Well as nearly as you can, did it occur as nearly as you can recollect? A:-Well as I say I could not tell only the date, because he attached himself to the church. Then I did not anything at all about it.

50 Q:-Did you see anything about it at the time he joined the church? A:-No sir, I was a member of the church at the time, but I did not know anything about his joining, I came to hear of it until he was installed in a position.

51 Q:-Can you tell about the time,-about the year that it occurred? A:-Well I ain't positive about it, but I could not state positively the year it was, I don't think I can definitely the year it was, but I think it was but a short time until I heard of it, but I don't refer to the year, my recollection is not very good on the matter of dates, and I don't like to.

52 Q:-Well, some few years ago was it, I don't care about the absolute time, in round numbers, how many years ago was it occurred to the best of your recollection?

Counsel for the complainants objects to the question as to the witness's recollection of the dates in this case, and to the question as immaterial, irrelevant, incompetent and immaterial.

A:- All I could say,-to the best of my ability it was three, five or five years ago.

53 Q:-Did you ever have any serious difficulty with Mr. Hall? Counsel for the complainant objects to the question as immaterial and irrelevant above set forth.

A:-Not of any.

54 Q:-You have had correspondence with him? A:-Yes sir, letters, yes.

55 Q:-Have you the letter I now hand you, and I ask you if you received that from Mr. Hall? A:-Yes sir.

56 Q:-Do you recognize that from Mr. Hall, or is it genuine in this case? A:-Yes sir, that is his handwriting, I have had letters from him prior to it.

Counsel for the complainants objects to the question and the answer as to the genuineness of signature, as irrelevant and immaterial, and not proper rebuttal testimony.

57 Q:-Is this a letter which you received from C.F. Hall? A:-Is that what you say?

58 Q:-I say, a letter which you received through the mails from C.F. Hall? A:-Yes sir.

The letter above referred to is in the proper form of a witness's signature, by the Notary Public, by him signed "Charles F. Hall, Jr." in accordance with a stipulation of counsel for the complainant.

59 Q:-I have not offered that in evidence yet, Mr. Southern, but I want it marked so that it can be identified,- that is my only object in having it marked at this time. Look at this letter which I now hand you, Mr. Reynolds and state if you ever saw that before? A:-Yes sir.

Counsel for the complainants objects to the question and the answer as to the reasons and on the grounds that it is incompetent, irrelevant and immaterial, and not proper rebuttal testimony.

60 Q:-That is another one of the letters? A:-Yes sir, that is another one of the letters.

on the ground and for the reason that it is incompetent, irrelevant and immaterial, and not proper rebuttal.

A:-When did Charles Hall unite with the church known as the Dowickite church?

48 Q:-Yes sir, when did that occur, if you know? A:-I can't tell the date exactly.

49 Q:-Well, at what time did it occur as nearly as you can recollect? A:-Well as I say I could not tell exactly the date, because he attached himself to the church. Before I knew anything, I will report it.

50 Q:-Did you know anything about it at the time he became member of the church? A:-No sir, I was a member of the church at the time, but I did not know anything about his having become member of it until he was installed in position.

51 Q:-Can you tell about the time,-about the year that that was? A:-Well I ain't positive about it, but I could not state positively the year it was. I can't recollect positively the year it was, but I think it was not a short time until after or of it, but I can't refer to the year. My recollection is not very good of the matter of dates, and I don't place it.

52 Q:-Well, some, or many years ago was it. I don't care for the absolute date, but, how many years ago was it, as near as you can of your recollection?

Counsel for the defendants objects to the question as to the fitness or the competency of the witness to testify to dates in this case, on the ground that it is immaterial, irrelevant and improper rebuttal testimony.

A:-Well I could say,-to the best of my ability it was about two or five years ago.

53 Q:-Did you ever have any correspondence with Mr. Hall? Counsel for the defendants objects to the question as to the competency of the witness to prove that fact.

A:-Not of it.

54 Q:-You have no correspondence with him? A:-No sir, not at all.

55 Q:-Have any the letters I now hand you, any of them been received from Mr. Hall? A:-Yes sir.

56 Q:-Are receiving that from Mr. Hall, or from anyone in this case? A:-Yes sir, that is all correct-it is Mr. Hall's name to it.

Counsel for the defendants objects to the question as to the fitness of the witness for the reason that it is incompetent, irrelevant and immaterial, and not proper rebuttal testimony.

57 Q:-Is that the letter which you received from Mr. Hall? A:-Yes, it is that very letter.

58 Q:-That was a letter which you received through the mail from Mr. Hall? A:-Yes, sir.

The paper above referred to is the answer of the witness in evidence and to wit Notary Public, which is marked "Exhibit Mr. Hall, Jr. Or." in accordance with the request of counsel for the plaintiff.

59 Q:-I have got offered here in evidence yet Mr. Southern, I want it marked so that it can be identified,-that is my only object in having it marked. Look at this letter which I now hand you, Mr. Lynch and state if you ever saw that before? A:-Yes, sir.

Counsel for the defendants objects to the question as to the fitness for the reasons and on the grounds that it is incompetent, irrelevant and immaterial, and not proper rebuttal testimony.

60 Q:-That is another one of the letters? A:-Yes sir, that is another one of the letters.

61 Q:-That you received from C.A.Hall through the mails? A:-Yes sir,that is another one of them.
62 Q:-One of those letters? A:-One of Hall's.
63 Q:-Don't you mean C.A.Hall this gentleman here,and one of the defendants in this case? A:-Yes sir.
64 Q:-Did you receive that letter from him through the United States mail? A:-Yes sir.

Counsel for the defendants objects to the question asked the witness for the reasons above set forth.

In order that the request of plaintiff's counsel, for the purpose of identification, the letter above referred to is marked "exhibit M.J. .Q.P."

65 Q:-[illegible] letter marked exhibit "MP" re-[illegible] by you,-[illegible] receive by you about the date [illegible] it, [illegible]?

Counsel for the defendants objects, [illegible] asked [illegible] it is incompetent, irrelevant and immaterial.

[illegible]

66 Q:-[illegible] letter? A:-[illegible]?

67 Q:-[illegible] A:-[illegible] "[illegible]" [illegible] "[illegible]" [illegible] I [illegible].

68 Q:-[illegible] "[illegible] Spc" [illegible] year [illegible] Specifically to [illegible] does not stand for the third [illegible] day?

Counsel for the defendants objects to the question asked [illegible] additional reason [illegible] is [illegible].

A:-[illegible] right, it says "In [illegible]".

69 Q:-[illegible] Hall [illegible] Inc[illegible]? A:-[illegible] I [illegible] that is it, but it [illegible] or what it is, [illegible] I [illegible] it is.

70 Q:-[illegible] you [illegible]? A:-I [illegible] tell you [illegible].

71 Q:-[illegible] you receive [illegible] it means?
A:-[illegible] tell you about that.

72 Q:-[illegible] letter marked exhibit "200" and state [illegible] you received that month the [illegible] it [illegible]? A:-[illegible] "In [illegible]" and I take the [illegible] "[illegible]" and [illegible] "80-[illegible]".

73 Q:-[illegible] or [illegible] it or [illegible] it [illegible] the [illegible] of [illegible] the [illegible] month and twentieth day of the [illegible] in 1912? A:-[illegible] I would not be [illegible] that [illegible] the third day in [illegible] month,-I mean it might be the twenty [illegible] month or the twenty day.

74 Q:-[illegible] I take it for [illegible] the [illegible]. I will ask you if you [illegible] of the [illegible] your organization with C.A.Hall at the time that you received these letters?

Counsel for the defendants objects to the question asked the witness

for the reasons and on the grounds above set forth.

A:- [illegible] sir.

75 Q:- [illegible] belonged to the same religious [illegible]? A:- Yes sir.

76 Q:- [illegible] of [illegible] organizations? A:- [illegible] called the "[illegible]"

77 Q:- [illegible]

Comm: [illegible]

A:- [illegible]

78 Q:- [illegible]

Comm: [illegible]

79 Q:- [illegible]

80 Q:- [illegible]

81 Q:- [illegible]

82 Q:- [illegible]

Comm: [illegible]

83 Q:- [illegible]

84 Q:- [illegible]

85 Q:- [illegible]

86 Q:- [illegible]

87 Q:- [illegible]

88 Q:- [illegible]

89 Q:- [illegible] received

90 Q:- [illegible] you receive that letter? A:- Yes sir.

91 Q:- [illegible] you receive that letter [illegible]?

A:- From J. A. [illegible].

The letter above referred to and identified by the witness, in accordance with the request of counsel for the plaintiff is marked exhibit "205".

92 Q:-You received that from J.A.Hall, one of the defendants in this case? A:-Yes sir.

Counsel for the defendants objects to the question asked the witness and the answer of the witness thereto on the same [illegible] for the reason that it is incompetent, irrelevant and immaterial, and not [illegible] evidence [illegible] opinion of the witness;

93 Q:-I don't see [illegible] it calls for an opinion of the witness,-it [illegible] plain [illegible]. [illegible] in her testimony given in this case for [illegible], testified that there was no [illegible] consideration [illegible], looking [illegible] and [illegible]

By Mr. [illegible],-"[illegible] is [illegible] that [illegible] witness [illegible] asked [illegible]

By Mr. [illegible]ley,-"[illegible] and [illegible]"

By Mr. [illegible],-"[illegible] plaintiff [illegible] proper [illegible]."

By Mr. [illegible]ley,-

94 Q:-[illegible] witness? A:-[illegible]

95 Q:-[illegible] looking [illegible] color, quality and [illegible] A:-Well I [illegible] say that I don't [illegible]

96 Q:-Well [illegible] A:-Well I cannot say [illegible]

97 Q:-Did you receive any communication from Mr. Hall with reference to these questions of [illegible] owners? A:-I think I have.

98 Q:-Well do you know whether you did or not? A:-Well I say I have, but I ain't positive about that.

99 Q:-Well if you ain't positive about that, either you need not testify about it.

A:-Well I can't remember about that.

100 Q:-C.A.Hall was the presiding officer of the branch at that time was he not,-the branch here at Independence,I mean?

By Mr.Southern,-"That question is objected to for the reasons above given in the objection there set forth and for the additional reason that the question is leading."

By Mr.Kelley,-

101 Q:-Was C.A.Hall the presiding officer of the branch [illegible]? A:-I think he was.

102 Q:-[illegible] A:-[illegible] reference [illegible].

103 Q:-[illegible] A:-That time?

104 Q:-[illegible] letters were written to you? A:-[illegible].

By Mr.Southern,-"I would like [illegible] also.

By Mr.Kelley,-

105 Q:-[illegible] exhibit "[illegible]" [illegible] (indicating [illegible])

By Mr.Southern,-"That question is objected to for the [illegible] for the reasons already [illegible] line questions."

A:-[illegible] it?

By Mr.Kelley,-

107 Q:-[illegible] A:-"[illegible] concerning [illegible] now [illegible] quality in dress [illegible] is [illegible],---[illegible] is not right, it is,---"all [illegible] will have their garments made of the same [illegible] cloth in the same style, and all the [illegible] their dresses made out of the [illegible] cloth and in the same style [illegible]. We have concluded [illegible] of God, and by [illegible] Christ. C.A.Hall."

By Mr.Southern,-"I move to strike from the record all [illegible] by the witness [illegible] examination, because it is not in [illegible] and it [illegible] involved [illegible] violation of every [illegible] in the examination of a witness.

By Mr.Kelley,-

108 Q:-I will [illegible] Mr.[illegible], if about this time,- [illegible] letter", or [illegible] or having [illegible]?

Counsel for the defendants [illegible] the witness for the reasons above set forth.

A:-What do I know about it?

109 Q:-Yes sir,what do you know about that [illegible] is a fact? A:-[illegible] about it?

110 Q:-Yes sir? A:-[illegible],-members of what branch?

111 Q:-I mean the members of the Hedrickite branch of the Church so called? A:-Yes sir,I understand now what you mean.

112 Q:-Well go on and answer the question then?

A:-You have reference

to what I read there, have you not,—what I read from that letter. Is that not what you refer to?

113 Q:-What is that? A:-You want to know in reference to what I read there from that letter, do you not?

114 Q:-Yes sir? A:-And about members leaving the church on account of that matter?

115 Q:-Yes sir?

Counsel for the Government: Objects to the question asked for the reasons above set forth.

A:- [illegible] the [illegible] church [illegible] they [illegible] it, [illegible] tate [illegible].

116 Q:- [illegible]

Counsel [illegible] asked [illegible] it, [illegible].

A:- [illegible].

117 Q:- [illegible]

A:- [illegible] today.

118 Q:- [illegible]

Counsel [illegible] asked [illegible].

A:- [illegible] several [illegible] is [illegible].

119 Q:- [illegible] only [illegible] were [illegible] meant.

By [illegible] :-

120 Q:- [illegible] is [illegible]?

121 Q:- [illegible]?

Counsel for the Government: Objects to the question asked [illegible] it, [illegible] pro- [illegible].

A:- [illegible] they [illegible] it.

122 Q:- [illegible]?

Counsel for the Government: Objects to the question asked for the reasons above set forth.

A:- [illegible] learned [illegible].

123 Q:- [illegible]? A:- [illegible], but [illegible] only [illegible] I [illegible].

The Court,—"Well now I [illegible] that. I [illegible] instructed to testify only [illegible] of his own knowledge."

A:- All right, I will confine myself to [illegible].

124 Q:-Well let us see if he will? A:-Well he won't.
By Mr.Kelley,-
125 Q:-Were you an officer in the church at that time?
A:-Yes sir.
126 Q:-What office did you hold? A:-I held an eldership.
127 Q:-It was a part of your duties as an elder to know
[illegible] in it, not?
[illegible] to the [illegible] asked
[illegible] for the reason that it
[illegible] pro-
[illegible] witness,
[illegible] not
[illegible] c-
[illegible]
128 Q:-[illegible] "[illegible]" [illegible] the
[illegible] "[illegible]" [illegible] of who
[illegible] is-
[illegible] sat-
[illegible]
[illegible] dis-
[illegible] reason
[illegible] nature
[illegible] pro-
[illegible] on
[illegible] on
[illegible] pos-
[illegible] to
[illegible] on
[illegible] ti-
[illegible]
[illegible] pro-
[illegible]
[illegible] it
[illegible]
[illegible] or
[illegible] no
[illegible] mas-
[illegible] have
[illegible] been
[illegible] and
[illegible]
[illegible] was a
[illegible] go
[illegible] will
[illegible] ta-
[illegible] and
[illegible] it
[illegible] to
[illegible] church
and when we get back to the law and order [illegible] 181

other exhibits.

By Mr. Southern,-"Let the objection be noted as made by the attorney for the defendants to the reading of what purports to be an exhibit by the attorney for the plaintiff or to its being incorporated in the record by the Notary or being copied by the Notary, and the further objection is made that the exhibit in question has not been properly identified, and that the matter of it, is not material to any issue in this case, and not relevant to any issue in this case, and that it is not such matter as can [illegible] be admitted.

By [illegible],-

I33 Q:-[illegible] "[illegible]" [illegible] word "[illegible]" [illegible] first [illegible] "[illegible]", in the fifth line [illegible]?

By Mr. Southern,-"[illegible] is not [illegible] is [illegible] letter [illegible]."

By [illegible],-

I34 Q:-[illegible] Notary [illegible]?

[illegible] words [illegible] church [illegible] April 1890 [illegible] book of [illegible] first edition [illegible] until."

I35 Q:-[illegible]

[illegible] of [illegible] rule of evidence [illegible]

[illegible]

By Mr. Southern,-"The statement of plaintiff's counsel in

objected to on the ground that it is not a proper statement to be made in this case.

By Mr. Kelley,-"I desire this further statement to be made for the reason that I have offered from time to time exhibits [illegible] I thought were legitimate rebuttal in order to avoid [illegible] in the record, and for no other purpose. We have no disposition or intention or desire to sit out any [illegible] available in any [illegible] exhibits to [illegible] in [illegible] a [illegible]

By Mr. [illegible],-"[illegible] that I [illegible] on [illegible] MARX [illegible]

By Mr. [illegible],-"[illegible]"

[illegible]

[illegible] ing [illegible] start [illegible] is [illegible] ing [illegible]

letter [illegible] that you are

well, and interested in the work that we are all engaged in. Sr. Hill is quite sick now. I got my eye hurt in the shop and have not been able to work since the 25th of Dec. but I am about well now. The rest of the Saints are well as far as I know. Bro. Hunter has withdrawn from the church. Bro. [illegible] and Hill have been [illegible] to write and [illegible] neglected to write to you, but they have not [illegible] lost their interest in your welfare. The [illegible] very favorably. [illegible] been [illegible] The rest will continue in the work. Some of the Indians [illegible] many(?) [illegible]

i.e. expect to attend the conference on the 6th of April.

[illegible]

[illegible] and [illegible] mal- [illegible] in [illegible]

[illegible]

[illegible] to reveal it through some one else, and I suppose I [illegible] work

the will of necessity have to consider the book of Doctrine and Covenants, and I am satisfied I cannot accept all of the first edition. We must be consistent, and I think before we get through that all will see that it was very necessary for such a work to be done as is contemplated by the committee. The saints are [illegible] all well. I have been sick for a day or two from over-work, but think I will be able to go to work tomorrow again. Well this is all of importance I can think of now. Again [illegible] praying [illegible] in the cause of truth, I remain as ever, [illegible].

[illegible]

[illegible]

[illegible]

[illegible] church?

[illegible] A:- [illegible] baptized in I889 [illegible].

I5[illegible] Q:- [illegible] you baptized [illegible] re-organized church?

A:-Yes sir.

I55 Q:-About two years ago? A:-Yes sir, some where near there as well ~~near~~ as I can recollect.

I56 Q:-Then you joined the re-organized church of Jesus Christ of Latter Day Saints? A:-Yes sir.

I57 Q:-To what church did you belong just prior to that? A:-I belonged to what is called or known as the "Hedrickite Church" just before that.

I58 Q:-At what time did you join it? A:-Well I joined it [illegible] the first [illegible] of it, but they cut me off after awhile.

I59 Q:-[illegible] cut you off from that [illegible]? A:-[illegible] sir, after I [illegible] joined it awhile they cut me off from the church because I could not consent to some things [illegible] doing, and [illegible] cut me off for some time, and [illegible] little [illegible] back into it [illegible].

I60 Q:-[illegible] cut you off and [illegible] afterwards receive you [illegible]? A:-Yes sir.

I6I Q:-[illegible] was it that they cut you off? A:-Well it [illegible],-well I [illegible] the length of it, [illegible].

I62 Q:-[illegible]? A:-Well I can't [illegible] exactly. I can't give you [illegible] the exact time it [illegible] between two and [illegible] years I would say. I [illegible] in [illegible] in that way.

I63 Q:-[illegible] "cut off"? A:-Well I [illegible] they couldn't,-[illegible] way,-that I [illegible] not endorse some [illegible] trans- [illegible] doing, and then,-[illegible] say that Granville Hedrick [illegible] which were [illegible] proven by [illegible] and I could not [illegible] any [illegible] of [illegible] Record.

I64 Q:-[illegible]? A:-Well I can't give you the exact [illegible] it.

I65 Q:-[illegible] the life-time of Hedrick? A:-Granville Hedrick.

I66 Q:-[illegible]? A:-[illegible] same time,-just [illegible].

I67 Q:-[illegible] after, [illegible] all [illegible] that you [illegible]? A:-Well if you consider [illegible] existence,-if you call that [illegible] "Hedrickite church" or branch, it was about two years or a little over two.

I68 Q:-[illegible], if any, did you belong between [illegible] out off [illegible] days of Hedrick, and [illegible] in a little upwards of two years [illegible]? A:-Please [illegible] question again,-I don't [illegible] understand it.

I69 Q:-To what [illegible] did you belong between the time [illegible] you off, and when you joined the [illegible] a little over two years ago? A:-Well I [illegible] the same position [illegible] myself [illegible] I did during that time. I [illegible] belong to any [illegible] particu- [illegible] stood in the same position all the time.

I70 Q:-[illegible] yourself to any branch in the [illegible]? A:-No sir.

I7I Q:-You did not? A:-No sir.

I72 Q:-Did you not belong to a branch of the re-organized [illegible] that time? A:-[illegible] that time.

I73 Q:-[illegible]? A:-No sir.

I74 Q:-[illegible]? A:-No sir, I belonged to it afterwards.

175 Q:-You joined it afterwards? A:-Yes sir.
176 Q:-That is you mean to say that you joined the re-or-
ganized church afterwards? A:-Yes sir.
177 Q:-Well during the period when you were cut off from
the church in 1844 since when do you belong to the re-or-
ganized church? A:-I have told you I did not.
178 Q:-I will now state that this was joined the re-organ-
ized church? A:-Well I told you before that I could
not recollect exactly the date, for I did not know.
179 Q:-Is you now willing to bear your testimony if the
[illegible]? A:-Yes sir.
180 Q:-[illegible]? A:-[illegible].
181 Q:-[illegible]? A:-In Illinois.
182 Q:-[illegible] in Illinois? A:-[illegible] sir.
183 Q:-[illegible] sir.
184 Q:-[illegible] re-or-
[illegible] A:-[illegible] sir. [illegible]
185 Q:-[illegible] write
[illegible] A:-[illegible]?
186 Q:-[illegible]
[illegible] A:-Only [illegible].
187 Q:-[illegible] A:-[illegible] I [illegible]
[illegible]
188 Q:-[illegible] write
[illegible] A:-[illegible] sir.
189 Q:-[illegible]
190 Q:-[illegible] A:-Yes
[illegible].
191 Q:-[illegible]
192 Q:-[illegible] sir
[illegible] re-
[illegible]
193 Q:-[illegible] rick-
[illegible]
194 Q:-[illegible] A:-[illegible] order-
[illegible] ord
195 Q:-[illegible] our &
[illegible] A:-[illegible] other.
[illegible] sir,
[illegible] Jack-
196 Q:-[illegible] sir.
197 Q:-[illegible]
[illegible] ust
198 Q:-[illegible] re-
[illegible] o
199 Q:-[illegible] in
[illegible] A:-[illegible]
200 Q:-[illegible] A:-[illegible] no
[illegible] of
[illegible] in, and
[illegible]
201 Q:-[illegible] to press
[illegible] A:-[illegible] let-
202 Q:-[illegible] quick?
A:-[illegible] old
[illegible]
203 Q:-[illegible]?
A:-[illegible] of

Mormon speaks about plain and neat dress.

195 Q:-Well what does it say about that? A:-Well I don't [illegible] as I can notice it's exactly the same language, but it says to wear their own clothes, that is they are to be the [illegible] of their own hands, and they are to be [illegible] neat, and they have all kinds of fine materials [illegible] of, but if they make it [illegible] it.

196 Q:-[illegible] any law or [illegible] to [illegible] of? A:-[illegible], I think [illegible].

197 Q:-[illegible] A:-[illegible]

198 Q:-[illegible]

199 Q:-[illegible]

200 Q:-[illegible]

201 Q:-[illegible]

202 Q:-[illegible]

203 Q:-[illegible]

204 Q:-[illegible]

205 Q:-[illegible]

206 Q:-[illegible]

By [illegible].-"[illegible] if we [illegible] [illegible]."

By [illegible].-"[illegible] you [illegible] [illegible] [illegible] [illegible]."

By [illegible].-"Put that [illegible] down to [illegible] it all down."

"Mormon religion is merely entered to [illegible] all of the [illegible]

mony of this witness, and that it be not considered
for the reasons assigned in the objections to the
testimony as given."

By Mr. Kelley,—"That objection is overruled by the
Judge Advocate, counsel."

By Mr. McKeon,—"Gentlemen, for I count it in the
[illegible]

It [illegible] that [illegible] of the [illegible]
[illegible] consist of [illegible]
[illegible] of the [illegible]
[illegible] of
[illegible] the
[illegible] before
[illegible] was
[illegible] permit.

[illegible]

[illegible] if
[illegible] and
[illegible] and
[illegible] to
[illegible] that
[illegible]

[illegible] tower
[illegible] it
[illegible] from
[illegible] guesness
[illegible] to
[illegible] to
[illegible] it

mony of this witness, and that it be not considered [illegible] contained in the objections to the [illegible] testimony [illegible] given.

[illegible] Kelly,- "[illegible] objection is over-ruled by the [illegible] court."

[illegible],- "[illegible] down, for I want it in the [illegible]

[illegible] that [illegible]

into the heart of Gadianton to still carry on the work of darkness, and of secret murder; and he has brought it forth from the beginning of man, even down to this time. And behold it is he who is the author of all sin. And behold, he doth carry on his works of darkness and secret murder, and doth hand down their plots and their oaths, and their covenants, and their plans of awful wickedness from generation to generation, according as he can get hold upon the hearts of the children of men. And now behold, he [illegible]

[illegible]

4 Q:- [illegible]

[illegible]

8 Q:- [illegible]

[illegible]

36 Q:-He had lived there for several years before he died? A:-Yes sir.for a few years.
37 Q:-How long did he live there? A:-He lived in Nauvoo, Hancock County from the fall of '39 some time until the day of his death. That is it was his place of residence during all that time,but he was away occasionally on short visits.
38 Q:-And you lived there with him? A:-Yes sir.
39 Q:-How did you live there in the family all of the time? A:-Yes sir,that was my home there with my father and mother.
40 Q:-Where were you at nights? A:-I slept in the room where my parents were,or in the room adjoining.
41 Q:-Well where did your father sleep when he was in the city? A:-He slept at his private house,known as the "Nauvoo Mansion" or hotel. We lived a part of the time in the old house,-the house built by Hugh White,purchased by my father,and after the mansion was built he lived there,-
42 Q:-Who did? A:-My father did,-after the mansion house was built he moved there,and lived there very nearly two years I think before his death.
43 Q:-Who slept in the room with him,and the room there & the rest of the family slept? A:-I remember of no one but my mother,my brothers and myself,and sometimes an adopted sister when the house was crowded, for sometimes we had the house full of people or visitors.
44 Q:-Your father kept hotel did he? A:-He did the latter part of his life.
45 Q:-What part of the house was his sleeping room in? A:-It was in the private apartments.
46 Q:-And where were these,-the family's sleeping apartments with reference to his? A:-They were right together,for the children slept in the room adjoining their mother's and father's sleeping room.
47 Q:-Was there any means of communication between these rooms? A:-Yes sir,there was just an open door between them,-they were adjoining rooms with an open door between.
48 Q:-What was the custom and habit of your father in regard to prayers? A:-We always had family prayer,-evening and morning family prayer.
49 Q:-Was the family present at the evening and morning prayers? A:-Yes sir.
50 Q:-The whole family would be present? A:-Yes always.
51 Q:-Was there any women by any name during the time you lived,-during the time your father lived in Nauvoo, or at any other time or place,that claimed to be his wife,aside from your mother? A:-Never to my knowledge sir,and I never heard of such a thing until some time after his death.
52 Q:-Was there anybody that stayed there around the house towards whom your father acted as his wife? A:-No sir.
53 Q:-You say you did not see anything of that kind? A:-No sir,I never saw such a thing in my life.
54 Q:-Who besides your mother,Emma,attended the funeral as one of the mourners? A:-As one of the family mourners?
55 Q:-Yes sir? A:-There was no one.
56 Q:-Was there not the members of the family? A:-Yes sir.
57 Q:-Well what lady attended other than your mother Emma? A:-No one in that capacity, excepting that the people came in and visiting the body,-

to see my father after his death,-that is after the body was laid out in the room,-the people came to visit it,and they were all mourners,but my mother was the only woman there as a mourner in the capacity of a wife.

58 Q:-She was there and the family of course? A:-Yes sir.

59 Q:-And that was all? A:-Yes sir.

60 Q:-These people that came in there to view the body were simply members of the church and friends of the family? A:-Yes sir.

61 Q:-Do you remember a woman or girl by the name of Lucy Walker? A:-Yes sir,I knew her.

62 Q:-She was afterwards known as Lucy Kimball? A:-Yes sir.

63 Q:-Was she ever at your father's house there in Nauvoo? A:-She was at one time.

64 Q:-Well what was she doing there? A:-As a hired girl and going to school with the children.

65 Q:-With what children? A:-Myself,my brother and adopted sister. My father's family of children,such as they were.

66 Q:-Well that consisted of whom? A:-My adopted sister, my brother and myself.

67 Q:-What other occupation did she have there,if any? A:-None that I know of,except to occasionally do a little sewing.

68 Q:-Did she work for her board and go to school? A:-Yes sir.

69 Q:-Did you go to school with her at the time? A:-Yes sir,I did go to school with her.

70 Q:-How much older than you was she at that time? A:-Well she was some five and a half years older than I was. I think that was about it.

71 Q:-She was between five and six years older than you were? A:-Yes sir,and she kind of had charge of us children for she was older than we were.

72 Q:-How many children were there that she had charge of A:-The four,-or three of us.

73 Q:-You were well acquainted with her? A:-Yes sir.

74 Q:-I will ask you whether or not your father ever treated Lucy Walker as his wife? A:-Never to my knowledge.

75 Q:-You say never to your knowledge,-do you mean by that that you do not know of it? A:-Yes sir,not to my knowledge did he ever treat her that way.

76 Q:-If he ever had done so,would you have known about it? A:-Yes sir,I would if it ever was anything that marked attention.

77 Q:-You had the opportunity of knowing? A:-Yes sir,as much as I could.

78 You did? A:-Yes sir,as much as anybody of that age could know in a house hold as circumscribed as ours was.

79 Q:-Well just explain what you mean by "circumscribed"? A:-I mean that the household was not overly large and the members were known to every one in it and their whereabouts,and I knew every one that was in it at all times,-that is who were in the house,excepting the strangers that might be in it for the time being,-as we kept a hospitable house,-

80 Q:-How many rooms were in the house? A:-The Mansion house?

81 Q:-Yes sir? A:-Where father lived?

82 Q:-Yes sir. A:-Yes sir,-at the time of his death, there was six.

83 Q:-How long had your father lived there ? A:-Before he died?

84 Q:-Yes sir? A:-Well I am not certain as to the exact time but it must have been nearly two years.

85 Q:-What house did he live in before he moved into the Mansion house? A:-It was a house that he bought from Hugh White.

86 Q:-How many rooms were there in that house? A:-It had four rooms,-two above and two down below and a stair way between them,and an addition of family rooms con taining four rooms,-two below and two above,and afte wards there was an addition put onto it that had ten sleeping rooms,-four double rooms and six single rooms over a dining room and kitchen and cellar way,-the outer one of these rooms was used as a kitchen,and that would make four and three is seven, and ten is seventeen or eighteen rooms counting the kitchen and exclusive of the hall.

87 Q:-Which house was that in? A:-In the Mansion house.

88 Q:-That was in what was known as the hotel or Mansion house? A:-Yes sir.

89 Q:-Now who occupied the ten sleeping rooms? A:-Oh I could not tell you for they were strangers.

90 Q:-Well I am not asking you for their names? What I am doing is asking you for,-whether it was the family or the strangers? A:-There might be some portion of the family at some times occupying one or two of the sleeping rooms,but they were mainly occupied by transients or boarders,for they were not what we called the family rooms.

91 Q:-I will ask you Mr.Smith,whether in that Mansion house or hotel you have described there was any rooms set apart for washings or anointings,ot for any secret purpose whatever? A:-None that I know of. There was never any of them used for that purpose that I know anything about.

92 Q:-In any part of the house? A:-No sir.

93 Q:-You were frequetly through the hotel and in all the rooms in it? A:-Yes sir.

94 Q:-If there had been any such rooms as these in the building would you have known of it? A:-Yes sir,I think I would. I think I should have been apt to know it.

95 Q:-There could not have been any such rooms there unless you had known it?

By Mr.Southern,-"This line of examination is objected to because it is not in rebuttal of any thing offered by the defendants and because it is incompetent,irrelevant and immaterial."

By Mr.Kelley,-

96 Q:-Were there any such rooms as I have described in the house from which your father removed to the Mansion house? A:-No sir,there were no such rooms in either house.

97 Q:-How many rooms were there in the old house?

By Mr.Southern,-.Mr.Reporter,before that question is answered,with the consent of these gentlemen I will withdraw that last objection I made,for I was not aware that these matters had been gone into in Salt Lake City,but upon consultation with Mr.Hall he informs me that they were gone into,therefore I desire to withdraw the objection with their consent."

By Mr.Kelley,-"Certainly,-I thought you were mistaken in that."

By Mr.Southern,-"Well I think still it is all irrelevant and that part of my objection stands."

By Mr.Kelley,-

98 Q:-Answer the question? A:-What is it,-I have forgotten it.

99 Q:-How many rooms were there in the old house? A:-In the old house?

100 Q:-Yes sir,in the house that your father lived in before he moved to the Mansion house,how many rooms were there? A:-There was four,five,six,seven,exclusive of a little hall-way.

101 Q:-Were any of these rooms used,or set apart for the purposes to which your attention was called in the other question? A:-No sir,not to my knowledge.

102 Q:-If there had been so would you have known it? A:-I would.

103 Q:-Now what time was it that Lucy Kimball,-known at that time as Lucy Walker,was at your father's house going to school? A:-It was before we moved into the Mansion house.

104 Q -You were in the old building? A:-Yes sir,it was when we lived in the old building before we had removed to the Mansion house.

105 Q:-Well how long would that be before your father's death? A:-It would be perhaps two years,or nearly two years. It might possibly be a little over two years.

106 Q:-What is the fact about her being at your father's house after that time,either working for her board or going to school,or in any other capacity? A:-I think she was afterwards employed in the Mansion house for a short time as dining room girl. I think she was employed for a while in that way.

107 Q:-For how long was she so employed? A:-I don't know how long.

108 Q:-Well about how long was it? A:-I can't say but it was not for long. The whole family was employed there around the place in one capacity or another.

109 Q:-What family do you refer to? A:-The family of George Walker,-they were all of them about there I think,for their mother was dead at the time,and her whole family was employed there around the place.

110 Q:-Who were they that were employed? A:-Well she was, and her brothers William and Loren. Her brother Loren was for a number of years employed by father,and I know the whole family from the old gentleman down to Henry.

111 Q:-Well was Lucy Kimball or Walker living there at your father's house at the time he was killed? A:-I think not sir. I think not. You asked the question,-Lucy Kimball you said.

112 Q:-Well I meant Lucy Walker,and she afterwards married Kimball,so when I say Lucy Kimball you will know that I mean Lucy Walker? Her name was Walker at first,and then afterwards it became Kimball did it not? A:-Yes sir.

113 Q:-Now after your father's death your mother continued to live there in Nauvoo in the same house did she not? A:-Yes sir,she did for a time.

114 Q:-For how long? A:-Did she live there?

115 Q:-Yes sir? A:-Well now I would not undertake to say how long it was that she lived there,but she rented the house to William Marks part of the time,and afterwards she rented it to a man named VanTyle for a while and lived across the road in the old house.

116 Q:-Well she lived there in the same town? A:-Yes sir, right there in Nauvoo across the street from the Mansion house. She never lived any place else in Nauvoo but at these two places.

117 Q:-Well you met with these people afterwards did you not,-after your father died? A:-Yes sir.

118 Q:-What,if any,claim was ever made from the time your father died up to 1846 by any of these women, Lucy Kimball, Lucy Walker or by any other

woman,except Emma Smith as to their being the wife of your father?

By Mr.Southern"I object to that for the reason that I fail to see the value of the witness's testimony one way or the other in any reply that he can possibly make to the question,-that is,the answer of the witness could not be testimony bearing upon any of the issues of this case in any way,shape or manner, it matters not what it might be.

By Mr.Kelley,-

119 Q:-Answer the question? A:-There was no claim ever made,of the kind,to my knowledge.

120 Q:-Either to yourself or to your mother,or to any other member of the family there? A:-Not to my knowledge. I do not believe there was,and I never heard any such thing in my life until after the year '46.

121 Q:-How long after '46 was it? A:-That I heard of it?

122 Q:-Yes sir? A:-Oh it might be in the spring or summer of '46.

123 Q:-Now in the Mansion house or hotel in which your father lived for about two years before his death,I will ask you what the fact is about your mother,-about your mother's rooms in which she slept and did what work she did,being arranged for the purpose of giving anointings or washings? A:-There was nothing of the kind.

124 Q:-There was nothing of the kind performed in your mother's rooms? A:-No sir,I never saw anything of the kind performed in my mother's room.

125 Q:-Was there there any arrangements looking towards that end in the room of your mother? A:-Looking towards what?

126 Q:-Looking towards preparations to that end,-that is, preparations for washings and anointings? A:-No sir, I never knew of any. I did not know of it if there was. I slept in the adjoining room,unless I slept in the same room that father and mother did,and I never saw or heard of anything of the kind. We slept there all the time,for mother never allowed us to sleep away from her very far until after father's death.

127 Q:-Were you acquainted with what was known as the Lott family there? A:-Yes sir.

128 Q:-Where did they live? A:-They lived two miles and a half east of that on my father's farm which they rented from my father.

129 Q:-Did they live in Nauvoo? A:-Yes sir,but not before my father's death. They never lived in Nauvoo that I know of until after the time of my father's death.

130 Q:-You say you knew the family? A:-Yes sir.

131 Q:-What was their father's name? A:-Cornelius P. Lott

132 Q:-Did he have any daughters? A:-Yes sir.

133 Q:-Did he have a daughter by the name of Melissa? A:-Yes sir.

134 Q:-Did you know her? A:-Yes sir,I know the whole family.

135 Q:-How many was there in the family? A:-Well there was John and Mary and Martha and Melissa and Alzina and Peter,and I am not sure but what there was another one,but I am not sure as to what her name was,for I don't remember it.

136 Q:-Have you seen Melissa Lott within the last few years? A:-Yes sir,I saw her about six or seven years ago.

137 Q:-Well when did you see her last? A:-I saw her in the fall of 1885.

138 Q:-Where did you see her? A:-I saw her in the town of Lehi in Utah Territory.

139 Q:-What is her name now?

A:-Her name is Willis,-that is her married

name is Willis.

I40 Q:-Her husband's name is Willis? A:-Yes sir,I believe she married a man by the name of Ira Willis,-at least it is reported that she did.

I4I Q:-In the testimony of Mrs.Willis,formerly Melissa Lott,taken in Salt Lake City,she makes a statement that in a conversation with you at Lehi in the Territory of Utah some years ago she claimed that she was married to your father,and lived with him as his wife in Nauvoo,Illinois. Now what are the facts with reference to that conversation,if there was ever such a conversation?

By Mr.Southern,-"I object to that."

By Mr.Kelley,-

I42 Q:-What,if any,such a conversation was ever had?

By Mr.Southern,-"Please indulge me for a minute or two sir,-give me time to read the examination of Mrs. Willis,-(reading testimony of Mrs.Willis.) Now the objection to that question I take it,is that "several years ago" does not sufficiently identify the time in order to impeach her testimony by this witness."

By Mr.Kelley,-

I43 Q:-Well about four years ago,-put it that way Mr. Reporter? A:-If you will pardon me I will say that in my crusade against polygamy there it had been stated that I would not dare to face Mrs Willis,and when I went to Lehi preaching there,she was in the congregation the first evening,and I secured an introduction to her and asked her for an interview ,and I went the next day at ten oclock by appointment to see her.

I44 That was in Lehi? A:-Yes sir.

I45 Q:-Please state when this was? A:-This was in '85 and I think in the latter part of October.

I46 Q:-Well was that the only time and place you ever met her? A:-I called on her again on my way back when coming up from the south. I just merely called on her to say "how do you do" or something like that and that was about all.

I47 Q:-Were these two visits the only ones you ever made to her? A:-Yes sir,that was all in Utah.

I48 Q:-What were your reasons for calling on her? A:-Well sir,having known her in my boyhood I was anxious to see her,and especially anxious to find out if I could,about what was stated in regard to her alleged connection with my father,and I went there and saw her and had a conversation with her in which she did state that she was married to my father,but she stated also that she did not live with him as his wife.

I49 Q:-Is that all that she stated in that connection? A:-No sir. After she had made that statement,I asked her the reason why she had not,and she said she did not think it was necessary. I asked her a number of questions with regard to it with the intention of ascertaining what the facts were in connection with it as near as I could,and she did not state that she had lived with him as his wife,but on the contrary distinctly affirmed that she did not live with him a his wife. I asked her also if he had ever treated her as a wife,and she suggested that he did once,but nothing came of it,and I asked her why if she was properly married,why the relationship was not continued,and she said she did not think it was right. I asked her then if this took place in the Mansion house or in the old house,and she said no that it was not in the Mansion house,-that nothing ever went on in the old house or in the Mansion House

She said that nothing of the kind ever took place there,and then I asked her,or stated to her,that it was said that he had several wives living there with him in the Mansion House,and she said it was not so, that nothing of the kind was carried on there,or permitted at all, Now of course it is impossible for me to remember all that was said or passed between us, but that was the substance of what passed between us at that time and place.

I50 Q:-Well state anything and everything that was said in the conversation?

By Mr.Southern.,-"Well to that question I must interpose an objection.?

By Mr.Kelley.,

I51 Q:-Well of course I mean upon that subject?

By Mr.Southern,-"Well to that I object because it is not the proper inquiry to make in the impeachment of a witness."

A:-Well gentlemen,I am willing to state all I know, for I have nothing to conceal about it.

By Mr.Kelley,-

I52 Q:-What,if any thing,was said in those conversations or either of the conversations between yourself and Melissa Willis,with reference to your mother,or a statement made by your mother? A:-Well after asking her these questions,I asked her if my mother knew of this marriage that she alleged had taken place.

I53 Q:-What marriage do you refer to now? A:-The marriage that she alleged had taken place between herself and my father. I asked her if my mother knew that it had taken place or was aware of it in any way,and she said that mother was,-that she had given her consent to it,and then I asked her the question as to whether my mother was a truthful woman,-whether she was a woman that would tell the truth,and she said she would,-that that was her character,and then I said "suppose my mother should make to me a statement in answer to a question,could I rely on what she said" and she said "you can Joseph,you can,for if your mother told you anything you can believe it to be true" and then I told her that my mother in answer to my question I had asked her,had stated positively that my father had no wife but my mother Emma,and that he had never had any other woman in any sense as his wife with her knowledge and consent,and then this woman Willis looked at me and she said "Well Joseph if your mother told you that she knew nothing about it." Now that was all in the same conversation,and then I told her that my mother had made that statement to me specifically,and she said "you can rely on it then,your mother knew nothing about it."

I34 Q:-That was the conversation you had with Mrs.Willis formerly known as Melissa Lott? A:-Yes sir.

I55 Q:-Who was present during this conversation?

A:-Soon after that her sister Mary,and her sister ~~XXXXXXXXXXXXXXXXXXXXXXXXXXXX~~ Alzina came into the room for they heard that I was there and was visiting Melissa I suppose,and so they came into the room to see me.

I56 Q:-Well what wass said then? A:-Well we fell into a general conversation. Of course I did not question the woman directly any more but in the course of the conversation I turned to Mary and asked her if she knew where I could find any brothers and sisters there in the territory,for it was reported that I had a good many mothers there in the territory,and I would like to find some brothers and sisters,for I was kind of lonesome,and Mary remarked that she had hunted the whole territory over for them,and went every

place where there was any report of the kind and she could find no children,and then Alzina spoke up and she said "No brother Joseph,I do not believe there is any chance for any",and then I turned to Melissa Willis,and I said "you hear what your sisters say,-what have you to say to it?"

By Mr.Southern,-"Wait just a moment,-this line of evidence given in the answers of the witness is objectionable on legal grounds I think,-however proper it may seem on other grounds. It is objected to for the reason that it does not come up to the requirements of testimony in rebuttal or direct testimony,and it is objected to for the reason that it is so very clearly incompetent,irrelevant and immaterial to any issue in this case."

By Mr.Kelley,-

157 Q:-Proceed Mr.Smith? A:-Well then Mrs Willis immediately remarked in answer to my question,that she though the girls were right.

158 Q:-Well what did she say about it? A:-She said "Joseph,I expect they are right" and then I said "I thank you,for I think that gives the case away." That was in effect what I remarked. The conversation was rather general after the girls came in,and having known them so well in the early days I felt free to converse with them as I would with those I had known for years. I was under no kind of reticence,or disinclination to talk with them for they were very friendly and we talked in a very friendly way.

159 Q:-I will ask you now if there is any rule,doctrine or teaching,tenet,rule or order or obligation in the church,-I mean in the re-organized church of Jesus Christ of Latter Day Saints,of which you are the president,which authorizes or countenances in any way,shape or form or manner,any secret oaths,ordinances,obligations,or any such thing as a part of its faith and practice,and the duty of its members?
A:-There is not.

160 Q:-There is not anything of that kind? A:-Not a thing

161 Q:-Is there any obligation of any nature? A:-The only obligation imposed by the church is the one taken at baptism.

162 Q:-Is there any such teachings in any of the original books of the church,or records of the church,especially in 1830 say at the time the church was established then,and from that time on up to 1844 at the time of your father's death? A:-None that I know of. I know there is none in the books. It may be in the records,but I don't know about it if it is.

163 Q:-Have any of the records of the church come into your possession teaching or authorizing any such practice? A:-There has none of them come into my possession or under my knowledge,therefore I know of nothing of the kind.

164 Q:-Is there anything in any of the books of doctrine of the church that would permit any such a thing?
A:-Not that I know of,-not as a church obligation or enjoined as a duty upon the members of the church.

165 Q:-Take the witness.

Cross examination by Mr.Southern,-

166 Q:-Mr.Smith you have been asked concerning the manuscript of the Inspired Translation? A:-Yes sir.

167 Q:-You have been asked about its possession,and about its having been handed over to a committee?
A:-Yes sir.

168 Q:-And I believe you were also asked about its publication? A:-Yes sir.

I69 Q:-Now I want you to state more specifically what that inspired translation is?
Counsel for the plaintiff objects to the question asked the witness on the ground and for the reason that it is not cross examination.
I70 Q:-You may answer the question? A:-As I understand it it is a translation and correction of the common version of the bible. Of the bible and the new testament I should say.
I7I Q:-Well do you mean the King James version or translation? A:-No sir,I don't ~~XXX~~ mean the King James version.
I72 Q:-Well what do you mean then? A:-I mean the bibel.
I73 Q:-You mean just the bible? A:-Yes sir,the old and new testament,-commonly called "the bible".
I74 Q:-You state that you understand it to be a correction of the translation? A:-No sir,that is not what I said,-I said it was a translation and a correction.
I75 Q:-A translation and a correction? A:-Yes sir,-just as it is stated in the preface.
I76 Q:-Of the bible it is a translation and a correction? A:-Yes sir,of the old and new testaments,excluding the songs of Solomon and the apocrypha old and new.
I77 Q:-That is what the translation was? A:-Yes sir.
I78 Q:-By whom was this translation made? A:-I understand it,to be by my father.
I79 Q:-How were you accurate when you denominated it a translation and a correction? A:-I don't know sir, any thing about it. I only know what appears in the preface,and I give it to you as I found it,and the manner in which it was done I don't know sir,-I only give it as it came into my hands.
I80 Q:-Are you well acquainted with its contents and what it purports to be? A:-I am so far as the using of it and the reading of it from time to time is concerned.
I6I Q:-Well you are familiar with it? A:-Yes sir,reasonably so,but I would not say that I am as familiar with it as some would be with the bible.
I82 Q:-Can you state whether or not it purports to be a revelation coming direct from God through the medium of your father,Joseph Smith?
Counsel for the plaintiff objects to the question on the ground that it is not cross examination,and on the further ground that it is not material.
A:-I understand it to be as I have stated a correction and translation of the old and new testaments by the spirit of revelation,by Joseph Smith,my father. The history of it states that the translation was finished in I8SS,and it came into my hands or possession some time prior to the date of its publication in I867.
I83 Q:-It came into your possession you say? A:-Into my possession and that of others of the committee.
I84 Q:-Well what history do you refer to? A:-The history of my father published in the Times and Seasons.
I85 Q:-Was your father an Hebrew or Greek scholar or an Hebrew and Greek scholar? A:-I could not tell you for I don't know anything about it only from hearsay.
I86 Q:-Do you know of any revelation purporting to have been given to or by or through your father,commanding him to write out the Holy Scriptures by the Spirit of Inspiration?
Counsel for the plaintiff objects to the question asked

the witness on the ground ~~XXXX~~ and for the reason that it is incompetent, immaterial and irrelevant and not proper cross examination.
A:-I don't know that I do specifically, unless mention is made of it in some of the revelations. We have already read two of them.

187 Q:-Contained where? A:-In the book of doctrine and covenants.

188 Q:-Now is there anything to indicate that this translation and correction as you call it, of the Holy Scriptures was finished before the death of your father, aside from his history of which you speak?
Counsel for the plaintiff objects to the question asked the witness on the grounds and for the reasons that it is incompetent, irrelevant and immaterial, and not proper cross examination.
A:-Nothing more than the fact of its being completed so far as we could discover when we came to examine the matter laid before us,-I should say presented to us.

189 Q:-It was completed so far as you could discover at that time? A:-Yes sir. All that we got into our hands appeared to be completed.

190 Q:-When did you state you found the manuscript from which this publication was made? A:-What is that?

191 Q:-When did you state you first saw the manuscript from which this publication was made? A:-Well I could not tell you. I have not stated anything about it I don't think, but I will say now that I first saw it when it came into my hands, or the hands of this committee a few months before the date of its publication in 1867.

192 Q:-Well can you state about the time when you first saw it? A:-No sir, I can't state that specifically, but I saw it at different times in my mother's possession at different times, but I did not read any of it,-I simply saw the bulk of it, so to speak, in my mother's hands. Now in reply to the last question, I believe it was, I stated that the first time I saw it was when it was delivered to the committee of which I was a member, and that I think was the first time I saw it to read any of it, but before that I had seen it but not to read it.

193 Q:-Did the manuscript that was delivered to you, purport to be a full and complete copy of the inspired translation?
Counsel for the plaintiff objects to the question asked the witness on the grounds and for the reasons that it is incompetent, irrelevant and immaterial, and not cross examination.
A:-It purported to be what it was,-a correction and translation of the old and new testaments, just as we have it here in this volume which was presented here called the Inspired Translation or the "Holy Scriptures."

194 Q:-Now you speak of it as a manuscript,-now was it in the form of manuscript all written out? A:-No sir, it was not.

195 Q:-Then in what shape was this manuscript? A:-A portion of it was in the form of leaves from a copy of the bible, and the corrections noted in it, or on the leaf, either on the margin or in manuscript attached to the leaves.

196 Will you please state how these leaves were arranged, and how the corrections appeared?
Counsel for the plaintiff objects to the question asked the witness for the reasons above set forth.
A:-They appeared in consecutive pages, where corrections were of that character that they might be in the margin they were put

on the margin,but if they were too extensive to go on the margin they were put on slips of paper and fastened to the leaves and marked.

197 Q:-And numbered? A:-Yes sir,some times,-when it was necessary. Very orderly the whole thing was. It was all very orderly from first to last and arranged in such a way that any ordinary person could take it and read it readily from first to last,-there was no trouble about that from start to finish,for it could be read right straight along.

198 Q:-You spoke of the corrections? A:-Yes sir.

199 Q:-What do you mean by that? A:-Well I meant that there were corrections in it,of course,-corrections in the text.

200 Q:-Well these corrections you speak of,were inserted in the translation when it was published were they not? A:-Yes sir,we published it just precisely as we found it,everything just as we found it,allowing for the ordinary mistakes of humanity,-printers and proof readers and such.

201 Q:-Did you find differences in the proof between this translations and the King James and other translations? A:-Yes sir,we do according to some translations more than others,and particularly in what is known as the King James translation in the book of Genesis.

202 Q:-For as an example I want to call your attention to the thirteenth verse of the seventeenth chapter of Matthew as it appears in the King James translation and ask you to read that verse to the Notary?

Counsel for the plaintiff objects to the question asked the witness on the ground and for the reason that it is incompetent,irrelevant and immaterial,and not proper cross examination.

A:-The thirteenth verse of the seventeenth chapter of Matthew,as it appears in the King James translation, reads as follows,-"Then the disciples understood that he spake unto them of John the Baptist."

203 Q:-Then the disciples understood that he spoke unto them of John the Baptist? A:-Yes sir.

204 Q:-. or I want you to read from what you have denominated,or what is denominated the inspired translation corresponding with what you have read from the King James translation,-read the verse that corresponds with it in the Inspired Translation as you term it so that the reporter may note it?

Counsel for the plaintiff objects to the question asked the witness on the ground and for the reason that it is incompetent,irrelevant and immaterial,and not proper cross examination.

205 Q:-Read it so that the Notary may note it as you read it? A:-Do you mean the thirteenth and fourteenth verses?

206 Q:-The thirteenth verse? A:-But I say unto you who is Elias? Behold this is Elias whom I sent to prepare the way before me." Now that is the thirteenth verse The fourteenth verse reads as follows,-"Then the disciples understood that he spake unto them of John the Baptist,and also of another who should come and restore all things,as it is written by the prophets. You see it takes these two verses here to state that one.

207 Q:-Yes sir? A:-Or rather to correspond with the one i the King James translation.

208 Q:-How do you recognize the language,-"and also of another who should come and restore all things as it was written by the prophets." How do you take that a a correction or an addition?

Counsel for the plaintiff objects to the question asked

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Counsel for the plaintiff objects to the question asked

the witness on the ground that it is incompetent,irrelevant and immaterial,not proper cross examination and calls for an XXAMIXAXXONXDXXXXX opinion of the witness.

209 Q:-Answer the question? A:-What is it?

2I0 Q:-It says in there,-"and also of another who should come and restore all things as it is written by the prophets." I asked you if you recognized that as a correction or an addition? A:-Oh I could not tell you. I could only give you my opinion of it,that is all.

2II Q:-Well please state what you know of it?

Counsel for the plaintiff objects to the question asked the witness on the grounds and for the reasons that it is incompetent,irrelevant and immaterial,and not proper cross examination,but calls only for the opinion of the witness.

A:-I would understand it to be a correction. You may call it an addition,but it is an addition to the language expressing the idea.

2I2 Q:-Can you point ot out in any corresponding verse in the chapter I have called your attention to in the King James translation? A:-No sir,I don't know that I ~~could~~. can.

2I3 Q:-You cannot do that? A:-No sir,I don't pretend to be able to explain all these things. I do not assume responsibility for that. I only give it as I find it here,and that is the way we found it,and we have published it just as we found it without change or correction or erasure.

2I4 Q:-Well I am not complaining of you,-you need not make this long explanation,for I am not complaining of your action? A:-No sir,I know you are not and I am glad of it.

2I5 Q:-Well now I want to know of you as the head of the re-organized church of Jesus Christ and its,-and the expounder of its doctrines,and what I understand at least to be an expert in its teachings,whom you understand the expression "and also of another" to apply to? A:-I understand it to apply to Christ who would restore all things.

Counsel for the plaintiff objects to the question asked the witness and the answer of the witness thereto,on the ground that it is incompetent,irrelevant and immaterial,and not proper cross examination,and calling simply for an opinion of the witness.

2I6 Q:-That is what you understand by that? A:-Yes sir,for Christ is the only one who,in my judgment,is competent to restore all things.

By Mr.Kelley,-"And I make this further objection in this instance that this witness is not the expounder of the law."

XRVXXE.L.Kelley,-"WeXdon'tXobjectXtXXXXSXexplainingXthXXIR

By E.L.Kelley,-"We don't explain,-I mean we don't object to his explaining the law."

By E.L.Kelley,-"Well the question limits this witness as the only one capable of expounding the law,and we object to it for that reason."

By Mr.Southern.-

2I7 Q:-Now I want you to look at this for the same reasons that I have asked you to look at the other quotations,-for the same reasons that I have given to the others, simply because I have called your attention to it,-Now I want you to look at what is termed the fifth ~~fourth~~ chapter of Genesis in the Inspired Translation and tell me if you are acquainted with it and its language?

Counsel for the plaintiff objects to the question asked the witness on the ground and for the reason that it is incompetent irrelevant and

the witness on the ground that it is incompetent, irrelevant and immaterial, not proper cross examination and calls for an ~~XXXXXXXXXXXXXXXX~~ opinion of the witness.

209 Q:-Answer the question? A:-What is it?

210 Q:-It says in there,-"and also of another who should come and restore all things as it is written by the prophets." I asked you if you recognized that as a correction or an addition? A:-Oh I could not tell you; I could only give you my opinion of it, that is all.

211 Q:-Tell please state what you know of it?

Counsel for the plaintiff objects to the question asked the witness on the grounds and for the reasons that it is incompetent, irrelevant and immaterial, and not proper cross examination, but calls only for the opinion of the witness.

A:-I would understand it to be a correction. You may call it an addition, but it is an addition to the language expressing the idea.

212 Q:-Can you point or cut in any corresponding verse in the chapter I have called your attention to in the King James translation? A:-No sir, I don't know that I ~~could~~ can.

213 Q:-You cannot do that? A:-No sir, I don't pretend to be able to explain all these things. I do not assume responsibility for that. I only give it as I find it here, and that is the way we found it, and we have published it just as we found it without change or correction or erasure.

214 Q:-Well I am not complaining of you,-you need not make this long explanation, for I am not complaining of your action? A:-No sir, I know you are not and I am glad of it.

215 Q:-Well now I want to know of you as the head of the re-organized church of Jesus Christ and its,-and the expounder of its doctrines, and what I understand at least to be an expert in its teachings, whom you understand the expression "and also of another" to apply to? A:-I understand it to apply to Christ who would restore all things.

Counsel for the plaintiff objects to the question asked the witness and the answer of the witness thereto, on the ground that it is incompetent, irrelevant and immaterial, and not proper cross examination, and calling simply for an opinion of the witness.

216 Q:-That is what you understand by that? A:-Yes sir, for Christ is the only one who, in my judgment, is competent to restore all things.

By Mr. Kelley,-"And I make this further objection in this instance that this witness is not the expounder of the law."

~~XBYXXXX.~~ By F. M. Kelley,-"~~We don't objectXXXXXXXXXXXXXXXXXXXX~~

By F. M. Kelley,-"We don't explain,-I mean we don't object to his explaining the law."

By P. F. Kelley,-"Well the question limits this witness as the only one capable of expounding the law, and we object to it for that reason."

By Mr. Southern,-

217 Q:-Now I want you to look at this for the same reasons that I have asked you to look at the other quotations,-for the same reasons that I have given to the others, simply because I have called your attention to it,-Now I want you to look at what is termed the fifth ~~fourth~~ chapter of Genesis in the Inspired Translation and tell me if you are acquainted with it and its language?

Counsel for the plaintiff objects to the question asked the witness on the ground and for the reason that it is incompetent irrelevant and

immaterial, and not proper cross examination, and calls for an opinion of the witness.

218 Q:-Answer the question? A:-Am I familiar with it.

219 Q:-Yes sir,-are you familiar with what is called the fifteenth chapter of Genesis in the Inspired Translation? A:-Why I have read it several times.

220 Q:-Did you ever look to see whether there is anything corresponding to it in the King James translation of the Bible? A:-Yes sir, I presume we have at different times, especially when we were getting it ready for the press.

221 Q:-Well did you find anything corresponding to that chapter in the King James translation?

Counsel for the plaintiff objects to the question asked the witness for the reasons that it is incompetent, irrelevant and immaterial and not proper cross examination.

A:-I could not say that we do specifically.

222 Q:-You could not say that there is anything in the King James translation specifically corresponding to it? A:-No sir.

223 Q:-In that chapter 5th of the book of Genesis to which I have called your attention I could be glad to have you look at the twenty sixth verse of it and read it to the reporter so that we may take it down?

Counsel for the plaintiff objects to the question asked the witness on the ground that it is incompetent, irrelevant and immaterial, and not proper cross examination.

A:-The twenty sixth verse reads,-"A seer shall the Lord my God raise up, who shall be a choice seer unto the fruit of my loins."

224 Q:-And now I could ask you what you understand that word "seer" as used there to relate?

Counsel for the plaintiff objects to the question asked the witness on the ground that for the reasons that it is incompetent, irrelevant and immaterial, and not proper cross examination and calls for an opinion of the witness only.

A:-Do what,-what do I understand it to relate to?

225 Q:-Yes sir? A:-Well sir, I don't know that I have any specific opinion about it at all.

226 Q:-Well have you a general opinion about it? A:-Well if I had a general opinion it would be specific.

Counsel for the plaintiff objects to the question asked the witness and the answer of the witness as argumentative, and for the reasons above given.

227 Q:-Then what is your answer to the question,-is it that you don't know to whom it refers?

Counsel for the plaintiff objects to the question asked the witness for the reasons last above set forth.

A:-I don't know specifically who it refers to sir, but I may have my opinion about it.

228 Q:-Is it your opinion that it refers to Joseph Smith your father?

Counsel for the plaintiff objects to the question for the reasons that it is incompetent, irrelevant and immaterial and not the proper form of cross examination and calls for the opinion of the witness.

A:-I have heard that claimed but then I don't think I ever expressed an opinion about it.

229 Q:-Have you ever presumed that you thought it referred

to your father? A:-No sir.

230 Q:-Do your preachers refer to it?

Counsel for the plaintiff objects to the question asked the witness on the ground that it is not cross examination, and is incompetent, irrelevant and immaterial

A:-No sir.

231 Q:-Do they ever preach it that way, as referring to your father? A:-I think I have heard one or two of them refer to it that way in theory.

232 Q:-You have heard preachers in your church refer to it that way you say? A:-Yes sir.

233 Q:-Did you as President of the church correct them when you heard them preach it that way? A:-No sir, for it was not a matter of doctrine anyway, or a definition of doctrine,-it was merely an expression of opinion, and any man in our church has a right to express an opinion upon a matter of that kind if he chooses to do so.

234 Q:-That is the way it is, is? A:-Yes sir, our men are not in leading strings. We don't try to hamper and stifle men's minds in our church Colonel.

235 Q:-Well you are acquainted with the book of Mormon are you not? A:-I am to some extent sir.

236 Q:-Has it as has been given in testimony here,-? A:-I am to some extent Colonel, but not so well as I would like to be.

237 Q:-Now I will ask you if many quotations from the scriptures in the book of Mormon? A:-Yes sir, it is supposed to be, especially in the book of Isaiah.

Counsel for the plaintiff objects to the question asked the witness, and moves the court to exclude from the record the answer of the witness on the ground and for the reason that it is incompetent, irrelevant and immaterial, and not cross examination.

238 Q:-Were the quotations found in the book of Mormon taken,-do these quotations found in the book of Mormon appear to have been taken from the Inspired Translation, or from the King James translation? A:-As to that I could not tell you as to how many of them are specifically found in the King James translation. I believe that they purport to be quotations from Isaiah. I suppose they are quotations from Isaiah, and a good many of them I know are to be found in the King James translation,-or is identical with what is found in the King James translation.

Counsel for the plaintiff objects to the question asked the witness, and the answer of the witness for the reasons above set forth, and moves the court to strike out from the record for the same reasons.

239 Q:-Do the quotations to which you refer,-do they correspond with the language used in the Inspired Translation? A:-Many of them do.

Counsel for the plaintiff objects to the question asked the witness and the answer thereto for the reasons above given, and moves the court to exclude the answer for the same reasons. It is also objected to for the reason that it is calling for an opinion of the witness.

240 Q:-That is they correspond only in so far as the Inspired translation uses the language of the King James translation?

Counsel for the plaintiff objects to the question asked the witness for the reasons that it is incompetent, irrelevant and immaterial, and is not cross examination and calls for an opinion of the witness only.

A:-The answer is so far as they agree in each of the three books, they correspond to that extent.

241 Q:-But do you find any of the additions and corrections that are found in the Inspired Translation as compared with the King James translation?
Counsel for the plaintiff objects to the question asked the witness for the reasons above set forth.
A:-I don't know that I do.
242 Q:-You don't know about that? A:-No sir, but I would not say specifically in regard to that, without further examination.
243 Q:-Are you able to state now whether the inspired translation was adopted by the re-organized church?
Counsel for the plaintiff objects to the question asked the witness on the ground that it is irrelevant and not cross examination. A:-I don't know that it was specifically. It may possibly have been in the fall of '78, but I could not say positively as to that.
244 Q:-May I call your attention to what purports to be a resolution,-I will say to what purports to be a resolution adopted by the General Conference of the church on September 18th 1878,-'78 I mean?
Counsel for the plaintiff objects to the question for the reasons above given.
245 Q:-Read that?
Counsel for the plaintiff objects to the question for the reasons above given and for the further reason that the record from which the witness has been asked to read, has not been shown to be identical with the original, and not a true copy of the original.
246 Q:-I am making my objection to one thing,-I mean I am asking my question with reference to one thing, and you are making your objection to something that you don't want the witness to overlook.
A:-Well that is a resolution that was adopted at the conference in '78.
247 Q:-Well read the resolution that was adopted in 1878?
Counsel for the plaintiff objects to the question and to the witness reading the resolution on the ground that it is incompetent, irrelevant and immaterial, and not the best evidence, "as it is not a copy of the original, and as printed in the paper from which witness is asked to read is not a correct copy of the original which has been shown in these depositions by comparison with the original, and is not cross examination."
248 Q:-Well read the resolution which appears on page eighteen of exhibit "A" offered by the plaintiff?
A:-"Resolved that this body representing the re-organized church of Jesus Christ of Latter day Saints, recognize the Holy Scriptures, the book of Mormon, the revelations of God contained in the book of doctrine and Covenants, and all other revelations which have been or shall be revealed through God's appointed prophet, which have been, or may be hereafter accepted by the church as the standard of authority on all matters of church government and doctrine, and the final standard of reference on appeal in all controversy arising, or which may arise in this church of Christ."
Counsel for the plaintiff objects to the answer of the witness in reading the resolution referred to, or its being incorporated in the record for the reasons above set forth, and moves the court to strike it from the record for the reasons above given.
249 Q:-Mr Smith, what was the authority you referred to for saying,-I believe you stated that there was a history that was authority for the statement that the inspired translation was completed in 1833?

A:-The statement made in the reported history of my father that was published in the Times and Seasons.

250 Q:-That is your authority? A:-Yes sir.

251 Q:-Well what do you know relating to the authenticity of that history? A:-I don't know anything about that

252 Q:-You don't know whether it is authentic or not? A:-No sir, but it purports to be.

253 Q:-What was the balance of the paragraph?

Counsel for the plaintiff objects to the question asked the witness on the ground and for the reasons that it is incompetent, irrelevant and immaterial and not cross examination.

A:-I can't tell you. I don't know about it. I stated at the outset that I understood it was completed in 1845, but I did not know it of my own knowledge as matter of course, for in the very nature of things I could not know it to be a fact.

254 Q:-Do you understand from the same source that something was done with it after it was completed?

Counsel for the plaintiff objects to the question asked the witness on the ground and for the reasons that it is not cross examination, and is incompetent, irrelevant and immaterial.

255 Q:-Answer the question? A:-What is it?

256 Q:-Do you understand from the same source that something was done with it after it was completed?

A:-No sir, there is nothing more than I know of.

257 Q:-Does it say sealed up,-was that it? A:-I don't know that it was,-nothing more than it was put into custody and to be retained.

Counsel for the plaintiff objects to the question and to answer of the witness for the reasons above set forth, and moves the court to strike the answer of the witness from the record for that reason.

258 Q:-Do you re-opened when? A:-I don't know that it states that.

259 Q:-I will call your attention for the purpose of refreshing your mind to a paragraph on page seven hundred and twenty three in the second column of plaintiff's exhibit "O".

Counsel for the plaintiff objects to the question asked the witness on the grounds and for the reasons that it is incompetent, irrelevant and immaterial, and not proper cross examination.

260 Q:-I will call your attention to that for the purpose of refreshing your recollection?

Counsel for the plaintiff objects to the question for the further reason, that the book from which the witness is asked to read is a mutilated book, and has never been introduced in evidence by either party and it was withdrawn after it was marked as an exhibit, for the reason that it was mutilated."

261 Q:-I am simply asking the witness to refresh his memory. Is that the history to which you refer? A:-What is that?

262 Q:-That paragraph to which I called your attention?

A:-It may be. ~~Probably it is~~ It probably is.

263 Q:-Now after you have refreshed your memory you can state in the same connection as to whether this Inspired Translation was finished, and ~~XXXXXX~~ as to whether anything else was said about it or to what was done with it?

Counsel for the plaintiff objects to the question for the reasons above stated.

A:-I can state what appears there.

264 Q:-Well what is stated there?

A:-Well it was sealed up not to be

opened until it arrived in Zion.
Counsel for the plaintiff objects to the answer of the witness on the ground that it is incompetent.
265 Q:-Well is this as authentic a part of the history as the other part of the history which you quoted this morning? That is, is it as authentic as the other part you quoted this morning as to when it was finished? A:-I presume it is.
266 Q:-You consider that it is just as authentic? A:-Yes sir, I don't doubt its authenticity.
267 Q:-You you were asked this morning I believe by the plaintiffs in this case to state if you knew from whom the manuscript for this inspired translation was obtained, and you stated did you not that it was obtained from your mother? A:-Yes sir.
268 Q:-You stated that it was obtained from your mother Emma Smith? A:-Yes sir. The committee that published it obtained it from her.
269 Q:-That is a fact? A:-Yes sir.
270 Q:-Did you not also state that you were one of that committee? A:-Yes sir, I was a member of that committee and it was delivered to me in person.
271 Q:-It was delivered to you in person from your mother Emma Smith? A:-Yes sir. Her name was not Smith at the time that I obtained it from her. Her name was Mrs. Bidamon at the time that I got that translation from her.
272 Q:-Do you remember about what date that was? A:-No sir, I do not. If I had known that the date was required I could easily have obtained it.
273 Q:-Well you can probably approximate it, can you not? A:-I think it was some time in the fall of '67.
274 Q:-Well how long was it on hand with the committee or anywhere else after you obtained it? A:-How long was it on hand?
275 Q:-Yes sir? A:-In that way,-the committee had it all the time.
276 Q:-I mean before anything was done with it, how long was it on hand A:-Well we went to work on it right away at once. We went at work on it for some time, for it was some months before it went into the hands of the printers in Philadelphia.
277 Q:-Who went to work on it? A:-There was myself, Reuben Robinson, W. W. Blair, and two clerks we employed.
278 Q:-You all went to work on it you say? A:-Yes sir.
279 Q:-Well what work was there to do on it? A:-We copied it,-made a copy of it for the printers, that is.
280 Q:-Well did you make a verbatim copy? A:-Yes sir, we did as far as we possibly could do it.
281 Q:-Well how did you proceed to make that copy? A:-I don't understand what you mean by that,-
282 Q:-Well did you make a copy in manuscript? A:-Yes sir we made it in manuscript, for we had no typewriters then as we have now-
283 Well when I use the word "manuscript" I use the word in its old signification? A:-Handwriting?
284 Q:-Yes sir? A:-Yes sir, it was copied in hand writing.
285 Well was it all copied in hand writing before it went into the hands of the printers? A:-Yes sir.
286 Q:-By that committee? A:-Yes sir, or by persons employed by the committee.
287 Q:-By them or by persons employed by them. A:-Well I should say by them and by persons employed by them.

288 Q:-When you made the manuscript,-wait a moment and I will get that right,-when you obtained the manuscript or the copy from which you made the manuscript,from which you made the manuscript copy,from your mother, what was its condition,-that is what shape was it at the time you obtained it from your mother? A:-Well it was a mass of manuscript or copy secured in a bundle by itself.

289 Q:-It was all by itself? A:-Yes sir.

290 Q:-Well how was it secured? A:-Wrapped up and secured with the requisite twine.

291 Q:-Was there any covering on it? A:-Yes sir.

292 Q:-There was a wrapper on it then? A:-Yes sir.

293 Q:-Was there any seal to that wrapper? A:-I don't know that there was any specific seal to it.

294 Q:-I believe you stated,-I believe you did not state positively that it was sealed in any way at the time you got it? A:-No sir,I don't know,-I will state now that I don't know that there was any wax seals on it,but there may have been wafer seals on the outside of the cover,and if so they may have been broken.

295 Q:-You do not recollect now though,that there was any seal on it? A:-No sir.

296 Q:-Do you know that your father had a seal that was called his private seal? A:-No sir. I don't know exactly. I could not say. There may have been and I think there was a church seal in the office,but I think he did not have what could be called a private seal of his own that he used for his own individual use.

297 Q:-You did not recognize any seal of that kind to the manuscript or on the wrapper that was around it? A:-No sir,there was not any seal of that character.

298 Q:-I believe that you stated that you had seen that manuscript prior to the time when that committee applied for it? A:-Well I don't know that I have stated that to be the fact,but it is the fact. I saw that it was a bundle or mass,but not for the purpose of examining it,-I simply saw the bulk of it so to speak. I never had examined or read it through.

299 Q:-I do not know open it before that time? A:-No sir.

300 Q:-Was it the appearance of having been opened? A:-No sir. Or I could not say as to that. I said it had the appearance of having been opened,but that is something I could not say,for it might have been opened for all I know to the contrary.

301 Q:-It was in the custody of your mother you say? A:-Yes sir.

302 Q:-And you received it from her? A:-Yes sir.

303 Q:-Will you state where she got it,if you know? A:-I suppose from my father.

304 Q:-Do you know where she got it? A:-I can state where it was that I know where it was.

305 Q:-Well where was it when you knew? A:-It was in her private bureau in her private room.

306 Q:-Do you know by what authority,if there was any particular authority,that she became the custodian of that manuscript? A:-No sir,I cannot say that I do know of any specific authority by which she had it in her custody,or how she was made the custodian for it.

307 Q:-Do you know whether or not it was claimed that she was to be the custodian of it?

A:-I may have heard some such thing as that

but I can't say whether it was a claim or not.

308 Q:-You don't know that she was ever made the custodian to retain possession and charge of it? A:-No sir,but I think it was a very good thing, however to leave it in her charge,for she undoubtedly took the best care of it.

309 Q:-Yes sir? A:-Yes sir,I think that it was a very good thing that she had it.

310 Q:-You think,of course,that she was faithful in her charge? A:-Yes sir.

311 Q:-You do? A:-I do.

312 Q:-Well can you state,or do you know why it was that she delivered it up to the committee? A:-I know what she said about it.

313 Q:-Well state what she said about it,for I believe that would be competent? A:-She said that she had been entrusted with it,and she had kept it as faithfully as she could,and she was glad to be relieved of it care,and she believed that she had put it into the proper hands,and that the time had come for it to be published. That is what she said.

314 Q:-Do you know what was the cause of its being applied for through the committee? A:-Yes sir.

315 Q:-Well what was the cause? A:-There was a resolution passed through the conference authorizing the appointment of a committee to apply for it,and to publish it,if it could be obtained.

316 Q:-Who was the clerk the committee came to be appointed A:-Yes sir.

317 Q:-Do you know if there was anything behind the action of the conference that caused the conference to pass that resolution? A:-Nothing more than the belief that it should be published,and our belief that the time had come when it should be published.

318 Q:-That was the reason? A:-Yes sir. That is all the reason I know of.

319 Q:-Was there,or is there any authority in the book of doctrine and covenants,or any where else,that appointed,or directed the conference to be retaining of that manuscript and its publication? A:-No sir,not that I am aware of.

320 Q:-Is there not something that directs that that should be done? A:-No sir,not that I am aware of,-nothing that specifically directs that it should be done. At least if there is anything I do not now recall it. I still believed that it came in under our general work and we had fit to secure possession of it and publish it.

321 Q:-Do you make no matter there is anything called a revelation in the book of Doctrine and Covenants that refers to the inspired translation? A:-Nothing more than the aforesaid,-the "Scriptures". It is either the "Scriptures" or the "Holy Scriptures."

322 Q:-I may be mistaken and if I am correct me,-I understood you to state this morning that there was a revelation published in the book of Doctrine and Covenants,in reference of which this translation was made? Did I understand you correctly when I understood you to say that? A:-No sir,I think you asked me the question if there was any revelation to that effect,and I answered you that I did not know that there was,but there were references made to it which I have read.

323 Q:-This morning, was that stated? A:-Yes sir,referring to it as identifying the Holy Scriptures,or the inspired translation.

324 Q:-How was that?
A:-Well you asked me a question if I knew of any revelation commanding it to be done,and I told you that

there was not any that I knew of.

325 Q:-Well that is what I have reference to,-if you understand the revelation to which your attention was called this morning in the book of Doctrine and Covenants to refer to the making of this translation? A:-Well that is the question you asked me before and I answered no,that it referred to the article itself as we understand it to identify the work; and in answer to the question as to whether I know of any specific commandment authorizing or commanding the translation to be made,-that was the question you ~~as~~ asked me and I told you no.

326 Q:-Please refer me now to the revelation,-to the date of the revelation or about the date of the revelation to which you refer this morning in your direct examination? A:-One is in section thirty,and the other is in section fifty eight. Perhaps the first one is in section thirty one,for I cannot remember exactly the dates.

327 Q:-What I was getting at, Mr.Smith was to develop ~~whether the revelation was re-~~ ceived prior to the translation or subsequent to it? A:-Well that was understanding I had if your question when you asked me before if I knew of any revelation authorizing this translation to be performed,and I told you that I did not. I believe that this here refers to the document or article.

328 Q:-What makes you arrive at that conclusion? A:-Well it is in section thirteen,paragraph fifteen,-that is one of them.

329 Q:-Do it might not be objectionable even to the plaintiff's attorney for me to inquire just this little matter about that,-as to whether the revelations which I have to be in the inspired translation of the King James translation of the bible,- that is, the differences or alterations made in the inspired translation and not in the King James translation,were ever submitted to the authorities of the church for their adoption?

Counsel for the plaintiff objects to the question asked the witness for the reason that it is immaterial and irrelevant and immaterial and not cross examination, and for the reason that it does not appear that any revelations concerning the inspired translation were ever submitted to the authorities.

330 Q:Well I did not say that as did,-I don't see that you ought to object to that question. What is the question?

(Question No 329 was repeated to Jesse G.)

331 Q:-Yes sir,that is my question,and I don't think you should object to that at all,-answer the question? A:-The revelations in question have never been submitted to the authorities in the form which you ask.

332 Q:-Have any revelations been submitted to the authorities of the church of Jesus Christ of Latter Day Saints? A:-Sir,

333 Q:-I think that I may properly go on and state further, and omitting whether you did not state in your direct examination last February that the revelations to be authentic and binding upon the church must first be submitted to the authorities?

Counsel for the plaintiff objects to the question asked the witness on the ground that it is immaterial and not proper cross examination.

334 Q:-That all revelations and everything affecting the church had to first be submitted to the authorities for their approval , and if approved

they become authentic, and if disapproved they were not? A:-I said then as I do now that that which purports to be revelations, before they can become binding as matters of law to the church, the rule is that they be submitted to the quorums and meet with their approval. That is what I stated then and that is what I state now.

335 Q:-They must first be submitted to the quorums for their approval? A:-Yes sir, for their examination and approval before they become law.

336 Q:-For them are revelations considered as binding when they are submitted to the representative councillings of the church, and endorsed in that capacity?

Counsel for the plaintiff objects to the question asked the witness for the reasons set on the ground that it is immaterial, irrelevant and immaterial and not proper examination.

A:-I do not mean that.

337 Q:-Yes sir? A:-That do means that any revelations that may be adopted by them are binding because of the acceptance in the settlement of controversies that may not even be in relation upon this subject.

338 Q:-If they are not revelations they have to be submitted? A:-If they were in effect upon the church in the nature of an amendment or rules or laws, or any thing of that kind, they have to be submitted to the church, and a resolution be adopted to binding upon the church, but not in binding as a revelation unless it be upon the church for the first time. It has not been submitted in the way that it has to be submitted or anything that has the effect of a change in laws or rules of the church.

339 Q:-Will you be so kind as to state a question of doctrine. Does this give a translation as a revelation?

Counsel for the plaintiff objects to the question asked the witness on the ground and for the reason that it is incompetent, irrelevant and immaterial, and not a proper examination and calls for an opinion of the witness.

A:-Please state that?

340 Q:-I ask you that you do not consider the inspired translation as a revelation? A:-I regard it, and that is what it purports to be, a correction of an old and new testaments as the result of inspiration by Joseph Smith, and I so view it by and with the aid of heaven and revelation.

341 Q:-Do you consider it infallible? A:-No sir.

342 Q:-Do you consider the bible to be infallible?

Counsel for the plaintiff objects to the question asked the witness for the reasons last above set forth.

A:-No sir.

343 Q:-Then you do not consider the bible to be infallible?

A:-No sir, we do not consider anything that passes through human hands to be infallible. We do not even look to the laws of the State of Missouri to be infallible. We do not believe in the plenary inspiration of the bible and therefore do not believe it to be infallible.

344 Q:-You don't? A:-No sir.

345 Q:-And you express the same views with reference to

the book of Mormon?

Counsel for the plaintiff objects to the question asked the witness for the reason and on the grounds that it is incompetent, irrelevant and immaterial, and not proper cross examination and calls for an opinion of the witness.

346 Q:-As to its fallibility or infallibility? A:-Understand me,-we hold that everything that passes through human hands to be fallible. We don't believe that any thing that passes through human hands must necessarily be correct, therefore we hold that everything that passes through human hands is mutable and therefore not infallible.

347 Q:-Will now is that your view with reference to the revelations in the book of Doctrine and Covenants? Is that your view with reference to the revelations in print in the book of Doctrine and Covenants which you have produced?

Counsel for the plaintiff objects to the question asked the witness for the reason set forth in the preceding objection.

A:-Again, that book as a whole that is our view regarding it. For let me illustrate,-in the Inspired Translation we find in the New Testament Scripture a fine text of Scripture in reference to Jonah being in the belly of the whale, [illegible] SHERMAN [illegible] it says "as Jonah was three days in the belly of the whale, so shall the son of man" etc. Now that is manifestly an error, and we do not, therefore, hold it, for it is so manifestly an error that it is not necessary to believe it.

348 Q:-And you say that in the New Translation? A:-Yes sir.

349 Q:-In the Inspired Translation? A:-Yes sir.

350 Q:-Will you, of course? A:-Certainly it is not,-it is a typographical error.

351 Q:-Will did you ever look to see where the error occurs? A:-Yes sir, we have examined, but it was not in the manuscript or in the copy that was furnished the printer, but it is an error in the proof reading.

352 Q:-That is where the error was? A:-Yes sir, in the proof reading. It was an error of the printer that set up the type that caused the proof reader.

353 Q:-Will you at once, or do you not hold that original manuscript, from which the inspired translation was made, was itself infallible? A:-No sir.

354 Q:-Then you don't even hold that that is infallible? A:-No sir, we do not hold anything to be infallible that passes through human hands. I have told you that at least six times,-that we don't hold anything to be infallible that passes through human hands, for they are all of them subject to human mutations.

355 Q:-That is a revelation to whom? A:-It is the translation and correction of the old and new testament made by a man with through the gift and the spirit of inspiration. For to show you that human error has crept into even the Bible. Does translation as it is called, there is one place where it tells you that the dead dies were all out on the water, and they were filled with water, and if that is so they were in a proper fix. If they were filled, fear it would be a different thing, but it says that they were filled with water. Now you can't say that the man,-that the Bible was infallible in that respect. For in another place it says that they awoke up in the morning, and it says that they were dead men, and in another place in Isaiah it says "I will send

them a servant that is blind and dead." That is not infallible. I only quote those instances to show that everything that passes through human hands is mutable and cannot be considered as infallible, and so that one I could go on and offer further proof if it was necessary. As a further instance in the King James translation where it states that a son began to reign two years before his father. Now there may be errors of that kind in the inspired translation, and if there is any they are fallible, for they are the result of human agency, and therefore fallible. It is for those reasons that I note that anything that comes through human hands is liable to error and I believe cannot be claimed to be infallible.

356 Q:-Will you apply the same line of reasoning to the Holy Koran translation?

Counsel for the plaintiff objects to the question asked the witness on the ground and for the reason that it is immaterial, irrelevant and incompetent, not proper, not material and illegal for an opinion of the witness.

A:-I will say this that the plates say themselves that if there are errors in them they are the errors of man.

367 Q:-Are you the same of the original manuscripts from which the King James translation was made?

Counsel for the plaintiff objects to the question asked the witness for the reasons above set forth.

A:-Yes sir.

368 Q:-Are the persons who are examples of love even in the New Testament Gospel? A:-Yes sir I say that, for the person that never had manuscript or any knowledge of any text, goes very much back of the fourth century of the Christian era, and the most of them are 1XX about the seventh or the eighth century, and nearly all of those are subject to human interpretations.

369 Q:-Now let me ask you this question,-is there anything which is considered to be authority that was regarded as infallible? A:-So far as our action or allegiance to any rule or doctrine of faith or practice is concerned,-so far as anything goes and is accepted by us as a rule for its guidance either in faith or practice the question of fallibility or infallibility does not enter into the question. There is no doubt that some of the fundamental tenets of God's word, taught in anything, is true or it was true, but when anything is received of course it is liable to be changed, although we do not attach to it the same degree of fallibility or infallibility. We simply receive those inferred doctrines as it is given to us, and we are liable to be in error, for we recognize that this side of the grave, not one of us is infallible.

360 Q:-Then below in the your course now I believe profess to receive revelations occasionally? A:-Yes sir.

361 Q:-Are not your revelations not considered infallible?

Counsel for the plaintiff objects to the question asked the witness for the reasons above set forth.

A:-No sir.

362 Q:-They are not considered to be infallible? A:-No sir. If they are received from any source, or through any person and they purport to be revelations from God, we examine it and compare it with

what we have received on the same subject, or what is in the bible, the book of Mormon and the book of Doctrine and Covenants, and we find that it is not at variance with anything there, and it is then received as a revelation from God, why then it becomes binding upon us as a belief, and we conform to it, - that is we take it and give it the same force as the statute law.

365 Q:- Do you then regard it as fallible or infallible?
A:- We take it without reference to its fallibility or infallibility. We do not attempt to decide that, for the fallibility or infallibility of it's character is to be determined by and by.

366 Q:- If a man of reasoning a question that has been put before probably, I will ask you if it is the opinion of your church that the authority of a revelation from God depends upon its endorsement by a man, or by any body of men?
Counsel for the plaintiff objects to the question asked the witness on the ground that for the reason that it is incompetent, irrelevant and immaterial, and is not cross examination, and calls purely and simply for an opinion of a witness.

367 Q:- Answer the question? A:- That, which is the revelation, as we use as a revelation from God is accepted, and if in our opinion it be subversive of that which has been received before as revelations from God and accepted as the doctrine of the church, then it is rejected.

368 Q:- You understand? A:- Yes sir, we take the revelation received, if it is in accordance, altogether with, and from God. If it does not, we reject it. Our authority from the fact that it is a revelation from God, - it derives its authority from our acceptance of it, - in other words it is authority and force as a binding command upon us because it gives its authority or weight in the revelation because of it, - our authority lies in it, but we do not accept it, and not until then.

369 Q:- Do you have studied in your examination in chief, - I mean by it, - you have studied in your [illegible] I understand it that the re-organized church is precisely like the church prior to the death of Joseph with reference to a certain doctrine or tenet?
Counsel for the plaintiff objects to the question asked the witness on the ground and for the reason that it is incompetent, irrelevant and immaterial, and not cross examination.
A:- I am in no sense an answer to any such a question.

370 Q:- I did not say nor make any such an answer to any question, - the question I asked you was if you personally when I understood you in your direct examination to say that the re-organized church of Christ at present time, and always has been subject to the church prior to the death of Joseph Smith?
Counsel for the plaintiff objects to the question asked the witness for the reasons above stated.

369 Q:- Don't you remember that you did? A:- I think not.

370 Q:- Will you tell me if one of the ones there fallibility sets in and prevails?
Counsel for the plaintiff objects to the question asked the witness for the reason that it is incompetent, irrelevant and immaterial, and not cross examination, and calling for an opinion of the witness, and for the further reason that no such proposition was put to the witness in his direct examination today, and the witness has testified to no such a proposition.

368 Q:-Well we will take what the witness says about it, for your recollection and mine differs as to that proposition? A:-Well sir, I will say this that I am mistaken if any such a question was asked me, for if it was I have no recollection of it whatever.

369 Q:-Well you say you have no recollection of such a question being asked you on your direct examination? A:-No sir, I don't recollect it now if it was, but I am willing to answer the question however. I have no objection to answering it at all. Neither that or any other question.

370 Q:-Well what is your answer? A:-It may be so, but if it is, it is within the line of fallibility. My answer to that is the same in [illegible] character as the other answers.

371 Q:-That brings us up to a great deal that was said. I will call as I proceed it in reference to secret societies in the church. I believe? A:-Yes sir, I believe that that question was asked.

372 Q:-Do you not remember when I say that I had stated you maintain that there is no secret societies in the church? A:-I have not said anything about it for I have not said there was or was not.

373 Q:-You have not? A:-No sir.

374 Q:-Well [illegible] memory is certainly at fault if you have not. A:-You certainly are in error if you suppose or assume, that I have, for when I said that I mean at the time that were and obeyed by the [illegible], and [illegible] duty and obligation of the members to [illegible] passed by the church or society or obligation of the members.

375 Q:-[illegible] A:-[illegible]

376 Q:-[illegible] to produce [illegible] knowledge. [illegible] -and [illegible] conduct [illegible] authorized by rule or regulation [illegible] be punished in the church? [illegible] A:-[illegible] authorization [illegible] privileges [illegible] not [illegible] privileges and they are [illegible] to the [illegible] of invitations or any other organization to long [illegible] preserve the rights of citizenship and [illegible] conduct. The answer does not propose to interfere with the regulation [illegible] to any of these [illegible] societies.

377 Q:-Well what antics are by question, for I was asking [illegible] if you disciplined [illegible] for belonging to [illegible] organizations? A:-No sir, I have never known of [illegible] such [illegible]. I have never known of [illegible] it was necessary or [illegible] to do so. It is simply a question of personal privilege that the church does not propose to interfere with. [illegible] The church as [illegible] is concerned neither [illegible] nor [illegible] organizations, -it stands perfectly neutral on that question.

378 Q:-Is it not a fact that you recognize a doctrine as

authoritative which prohibits ~~[illegible]~~ the revealment of certain things to the world at large?

Counsel for the plaintiff objects to the question asked the witness on the grounds and for the reasons that it is not proper cross examination, and is incompetent, irrelevant and immaterial.

A:-I know of nothing that prevents me from telling everything I know to the world on proper occasions.

297 Q:-Does that answer apply equally to everything that was in question? A:-Yes sir, so far as I have any understanding of it.

298 Q:-Have you always been the office you have? A:-Yes sir.

Q:-Have you ever been asked not to answer a question, or attempted not to reveal anything, no matter what it is, concerning, pertaining or organization, or to any body, Brother, whether is there a [illegible] between this and a lawyer or the tongue of any man or his conscience.

Sol. A:-A [illegible] is perfectly free in that respect?

A:-Yes sir.

300 Q:-I believe you also stated, that there is nothing in your obligation, a penalty for divulging it to any person, or force to close secrecy, - Obligation by the penalty of your life?

A:-I will not say that. For I don't know what obligation [illegible] on members of the order is secret [illegible] I cannot say as [illegible] I am not familiar with their [illegible] or to illustrate, I will say that [illegible] being my secret society that is subversive of human rights and a practice is prohibited by the laws of the [illegible] and is condemned by [illegible] they are.

303 Q:-[illegible] practice [illegible] oil or other [illegible] pre- [illegible] kind of [illegible] initiation [illegible] in your [illegible] [illegible] law, [illegible] participating in it, shall be [illegible] I [illegible] wise [illegible]?

[illegible] plaintiff objects to the question [illegible] on the ground that it is not cross examination, and is [illegible] and immaterial.

A:-[illegible] obligating [illegible] a penalty [illegible] and [illegible] law.

304 Q:-Can you [illegible] in your mind? A:-[illegible] Bible [illegible] further than the obligation and [illegible] says "Let your speech be alway, with grace, seasoned with salt." That is to say that requires any person in an initiation or ordination to take any particular kind of a pledge, or to be organized in any particular kind of a way made after the particular fashion.

305 Q:-Is there a principle recognized in your church [illegible] Christ himself instructed his disciples not to reveal certain mysteries of the kingdom?

Counsel for the plaintiff objects to the question asked the witness for the reasons above set forth.

A:-[illegible] the command of the Saviour to his disciples, and even if it for just [illegible], it supports to be. [illegible] to do, for there is no rule [illegible] us in reference to it at all.

386 Q:-Are not the teachings of Christ an authority with you? A: Yes sir.

387 Q:-You accept the teachings of Christ as an authority? A:-Yes sir, of course we do. They are an authority with us so far as they are applicable.

388 Q:-And are they not all applicable? A:-I presume not.

389 Q:-Are any of them fallible? A:-We are not disposed to [illegible] that any word from the Saviour is fallible. Christ is the only law giver,-the only [illegible] who knows anything about [illegible] fallible, but we do claim [illegible] translation of the commands or words came through human hands, that the version [illegible] of it [illegible] affected by human agency is fallible, or may be fallible.

390 Q:-[illegible] of Governor [illegible] world? A:-[illegible] authority in the book of Covenants [illegible] certain [illegible] they had brought [illegible] A:-I [illegible] may, but [illegible].

391 Q:-[illegible] ori- [illegible] A:-I [illegible] may, but [illegible].

392 Q:-[illegible] A:-[illegible].

393 Q:-[illegible] A:-[illegible].

394 Q:-[illegible] A:-[illegible]

395 Q:-[illegible] A:-[illegible] author.

396 Q:-[illegible] it- [illegible].

397 Q:-[illegible] At [illegible] in- [illegible] A:-[illegible] killed in June and I [illegible] [illegible] Clay [illegible] Governor.

398 Q:-[illegible] in June [illegible] Governor? A:-Yes sir, I was [illegible] in the [illegible] of [illegible] twelve years of age, [illegible] between June and November.

399 Q:-[illegible] A:-I was [illegible] in 1844 on the 27th of June.

400 Q:-[illegible] A:-I know you will do [illegible].

401 Q:-Now if it be a fact Mr. Smith that your father indulged in the practice or practices, about which the inquiries have been made this morning of you,-is it not a fact that he would have taken special pains to conceal from you, his twelve year old son, his ten year old son or his eleven year old son, or whatever your age was,-is it not a fact that he would have taken special pains to conceal it from you? A:-What is that [illegible]

402 Q:-[illegible] I asked you if it is not a fact that if your father indulged in the practice or practices about [illegible] inquiries [illegible] this morning, that he would have taken special pains to have concealed from you [illegible] twelve year old son, the fact that he was [illegible]? A:-I cannot answer [illegible].

403 Q:-[illegible] answer that question? A:-[illegible] sir [illegible] say [illegible] my opinion.

404 Q:-[illegible]? A:-[illegible] out [illegible] that I don't [illegible] my opinion on the subject [illegible] say that he would [illegible] who, [illegible] from his family.

405 Q:-[illegible] family? A:-I certainly [illegible] family. I would consider [illegible] would [illegible] to

406 Q:-[illegible]? A:-Yes sir, [illegible] that I [illegible] kind, [illegible]

407 Q:-[illegible] anything [illegible]

408 Q:-[illegible] practices [illegible] likely [illegible]? A:-[illegible]

409 Q:-[illegible] A:-[illegible] is [illegible]

410 Q:-[illegible] consideration,-[illegible] fact [illegible] the [illegible]? A:-[illegible] is

411 Q:-[illegible] not put it in the form of a [illegible], for could you not state that [illegible] shrewdness [illegible] character of your father,-would you [illegible] consider that [illegible] could [illegible] could follow? A:-I will tell you colonel that, so far as my knowledge goes, there was never anything of the kind known to the family, and I will say further that I believe that it was absolutely impossible for such things to have been without my knowledge.

412 Q:-Well I understand you have already stated that? A:-Yes sir, I have, and that is the fact.

413 Q:-Well I will say this Mr. Smith that I have not the

least doubt in the world as to your sincerity and implicit belief in what you state? A:-Well that is the fact,-I don't believe there was ever such a thing thought of even before father's death,and for that reason any other answer that I might give would be merely supposing a case which I am convinced never [illegible] shadow of a foundation in fact. I cannot say what could be the action or judgment of my father in [illegible] it, I [illegible]. I simply state the fact that such a thing was never known in the family or even [illegible] of dream of, and that his relations were [illegible] it a secret, supposing he actually practised it, is [illegible] that I am unable to state. [illegible] have been his motives and motives for and [illegible] concealing it from the family, or keeping it [illegible] family [illegible] anything about it, [illegible] to me, [illegible] of course for [illegible] judgment, so to speak, that he had naturally [illegible] it and did so [illegible] it a secret from his family.

414 Q:-[illegible] have you [illegible] such p[illegible] you [illegible] your [illegible]? A:-Yes sir, I [illegible] I [illegible].

415 Q:-Well [illegible] A:-Yes sir.

416 Q:-[illegible] A:-Yes sir, I [illegible] I have.

417 Q:-[illegible] A:-Yes sir, that is [illegible].

417 Q:-[illegible] pre-[illegible] all against your [illegible] my [illegible]?

Counsel for the plaintiff objects to the question [illegible] that [illegible] it, [illegible] it, [illegible] only.

:-I [illegible] it. I don't [illegible] colonel.

418 Q:-[illegible] A:-Yes sir, [illegible] pre-[illegible] of [illegible] nothing [illegible] it, [illegible] there is no [illegible] it.

419 Q:-Well [illegible] prac-[illegible] or [illegible] it? A:-[illegible] it is [illegible] it.

420 Q:-[illegible] A:-[illegible] I am [illegible] assumption [illegible] assumption [illegible] it, and [illegible] it as [illegible] if your father was guilty [illegible] suicide, he have taken [illegible] necessary steps to come at it [illegible] family? In that [illegible] you [illegible] or any [illegible]'s [illegible]? A:-Yes sir, I [illegible] done [illegible] guilty.

421 Q:-And [illegible] so no, [illegible] successful? A:-[illegible], I don't say that.

422 Q:-Well I say if [illegible] so no was successful in [illegible] from his family? A:-Yes sir, I would say that if [illegible] successful [illegible] something it from his wife and family.

423 Q:-Well [illegible] that is an insane [illegible] A:-Yes sir, I [illegible].

424 Q:-And that is all you state in reference to it? A:-Yes sir.

Counsel for the plaintiff objects to the last question asked the witness for the reasons that it is incompetent, irrelevant and immaterial, not cross examination and calls for an opinion of the witness only.

425 Q:-How is it or is it not a fact that your father had

a guard there around the house during the last days of his life,-or perhaps I should say during the latter part of his life?

Counsel for the plaintiff objects to the question asked the witness for the reasons and on the grounds that it is incompetent, irrelevant, and immaterial, and not proper cross examination.

A:-I never knew of any guard being stationed around the premises until after my father's death, and even then it was later when my mother was moved out of the servants house and lived across the road. Nothing was done at that time. I came this term the time of the attempted abduction to Lissard, there was two or four men employed on watch on the house, but I never knew of any one being stationed around the premises until after my father died.

428 Q:- [illegible] A:- [illegible] in-[illegible] I am married, [illegible] I have [illegible] only [illegible] I have [illegible] [illegible] frequently [illegible] on [illegible] I [illegible]

427 Q:- [illegible]

428 Q:- [illegible]

429 Q:- [illegible]

430 Q:- [illegible]

431 Q:- [illegible]

432 Q:- [illegible]

433 Q:- [illegible]

434 Q:- [illegible] liar?

Counsel for the plaintiff objects to the question and the witness on the ground that it is immaterial, irrelevant and incompetent, and not proper cross examination.

A:-Yes sir, so far as I know it is true.

435 Q:- [illegible] to [illegible] A:- I never [illegible] it [illegible] I simply [illegible] it as it [illegible] to [illegible] Grooms.

436 Q:- Will you [illegible] that? A:- [illegible] was called [illegible] John [illegible] arrangement.

493 Q:-Were they not away from there at one time for a few months after your father's death? A:-Only from September '46 to February '47.

494 Q:-They were away from Nauvoo during that time? A:-Yes sir.

495 Q:-Do you know where these manuscripts were during that time? A:-I expect I do.

496 Q:-[illegible] it was? A:-She had it with [illegible].

497 Q:-Your mother did? A:-Yes sir.

498 Q:-Are you sure of that? A:-Yes sir. I remember that [illegible] in [illegible].

499 Q:-What day did you leave Nauvoo, and how did you leave it? A:-We left there on the 12th of September on the [illegible] "Uncle Toby" [illegible] by Captain [illegible]. [illegible] Whiteside County, & [illegible] there, [illegible] we [illegible].

500 Q:-[illegible] Nauvoo? A:-Yes sir.

501 Q:-[illegible] your fat[illegible] of [illegible]? A:-[illegible] I [illegible].

502 Q:-[illegible] A:-I un-[illegible].

503 Q:-[illegible] that A:-I [illegible].

504 Q:-[illegible] it,-[illegible]? A:-[illegible] it [illegible]. It [illegible] were [illegible].

505 Q:-[illegible] A:-[illegible] over [illegible]. It [illegible] over the [illegible] I don't [illegible] remember [illegible], that [illegible] it, but I [illegible] assur-[illegible].

506 Q:-[illegible] A:-[illegible] of [illegible], [illegible] that [illegible] some-[illegible].

507 Q:-[illegible]? A:-[illegible],-the [illegible] my father lived in,-the other [illegible].

508 Q:-What [illegible] from [illegible]? A:-[illegible].

509 Q:-[illegible] it [illegible]? A:-Yes sir, it [illegible] a little [illegible] street

510 Q:-[illegible] both [illegible] the same enclosure? A:-[illegible] sir, they [illegible] enclosed [illegible] the same fence, but the store [illegible] flush on [illegible] Street.

511 Q:-They were both then in the same block you say? A:-Yes sir.
512 Q:-And this hall was over the store? A:-Yes sir.
513 Q:-What means of access was there to the hall,-how did you get to it? A:-You went up through the store to the hall. You went into the store and went up the stairway on the inside of the building.
514 Q:-Is it your father's store? A:-Yes sir. Now it is only fair to state to you that the second built a building called the "Masonic Hall" afterwards, and a [illegible] part of Hole that was Grand Master of the State of Illinois, his name was on the [illegible] of the lodge, [illegible] and then organized the lodge. The first building was short, half a mile from your father's residence on the main street of the town.
515 Q:-Do you, or did you not, state then you were acquainted, or had been [illegible] the Burgess and against [illegible] other wives referred to - Sister Morgan [illegible] Mrs? A:-I [illegible] Sister Morgan, it was only [illegible].
516 Q:-[illegible] A:-[illegible] sir.
517 Q:-[illegible] A:-No sir.
518 Q:-[illegible] A:-[illegible] sir.
519 Q:-[illegible] prior to [illegible]? A:-I [illegible] anything [illegible] any-[illegible].
520 Q:-[illegible] any [illegible] do-[illegible] death? A:-I [illegible].
521 Q:-[illegible] with [illegible]? A:-No sir.
522 Q:-[illegible] with the [illegible]? A:-[illegible].
523 Q:-[illegible] polygamy [illegible] any [illegible] death? A:-I [illegible].
524 Q:-[illegible] Mrs. Kimball [illegible] the [illegible]? A:-Yes sir.
525 Q:-[illegible] Brown Pratt? A:-No sir, I never heard Brown Pratt's name mentioned.
526 Q:-Was Willard Richards? A:-No sir, not that I know of.

From Exhibit "D" above referred to.

On Marriage.

[illegible]

George Miller.
Alphens Butler.
Reynolds Cahoon.
Wilson Law.
[illegible] Norcuff.

Albert Potter.
Elias Higbee.
John Taylor.
E. Robinson.
Aaron Johnson.

++++++++++++++++

[illegible] the communication of [illegible]

[illegible] continued pursuant to adjournment.

[illegible] Blair being sworn on the part of the plaintiff in rebuttal, testified as follows,-

Direct examination by Mr. Tepper,-

1 Q:- Mr. Blair, have you been sworn in this case? A:- Yes, sir.

2 Q:- I mean have you been sworn in it here-to-fore, and have you testified? A:- Yes, sir. 3 Q — Your name is W. W. Blair? A — Yes sir.

4 Q:- [illegible] acquainted with Jason W. [illegible]? A:- Jason W.

5 Q:- [illegible]

A:- [illegible]

6 Q:- [illegible]

7 Q:- [illegible]

8 Q:- [illegible]

9 Q:- [illegible]

10 Q:- [illegible]

11 Q:- [illegible]

12 Q:- [illegible]

13 Q:- [illegible]

14 Q:- [illegible]

15 Q:- [illegible]

16 Q:- [illegible]

17 Q:- [illegible]

18 Q:- [illegible]

of the meeting was to be educative, and it was by some called a lodge.

19 Q:-What was the object of the meeting? A:-It was to be educative,-that is, it was for the purpose of discussing matters in regard to theology and church government and such as that, and those meetings which they were called called chiefly to the ministry, nevertheless [illegible] to [illegible] and I [illegible] educative that is, it was, it could be called a lecture meeting or [illegible] kind, as it were, sense, it was [illegible], for it was not a lodge.

20 Q:- [illegible] A:-They [illegible] but they [illegible] the [illegible], I [illegible]

21 Q:- [illegible] the object of [illegible] were? A:-I [illegible],-on [illegible] of [illegible]

22 Q:- [illegible] things? A:-[illegible] I [illegible] [illegible],-[illegible]

23 Q:- [illegible] A:- [illegible] only [illegible]

24 Q:- [illegible] A:-[illegible]

25 Q:- [illegible] A:-I [illegible] that [illegible] If [illegible] [illegible],-[illegible]

26 Q:- [illegible] A:-[illegible] sir, [illegible]

27 Q:- [illegible]

28 Q:- [illegible] A:-[illegible] [illegible]

29 Q:- [illegible]

30 Q:- [illegible]

31 Q:-[illegible] you [illegible]?

32 Q:- [illegible] A:-[illegible] that [illegible] Smith,-they [illegible] Smith.

33 Q:- [illegible] A:-[illegible] only [illegible]

24 Q:-Now what have you to say with reference to the revelation spoken of by Briggs at the meeting to which he refers in his testimony? A:-The revelation.-

25 Q:-Yes sir,the revelation that he says refer to the meeting to which he referred in his testimony? A:-He says that there was what he calls a revelation made to a meeting at which I was present. I say that there never was a revelation made to any meeting in my presence at any time or place while I was associated with William Smith. There was never made a revelation at any meeting at which I was present, either publicly or privately or in any other way, and I have never made any such a statement or [illegible] for it is [illegible] of one, so far as my [illegible] I have heard of it, [illegible] of people or with [illegible] Reformers.

26 Q:- [illegible] A:-[illegible]

27 Q:- [illegible] A:-[illegible] in [illegible]

28 Q:- [illegible]

29 Q:- [illegible]

30 Q:- [illegible]

40 Q:- [illegible]

41 Q:- [illegible]

42 Q:- [illegible]

43 Q:- [illegible]

44 Q:- [illegible] A:-[illegible]

45 Q:- [illegible] A:-Yes sir.

46 Q:- [illegible] I [illegible] William Smith or,-I should say [illegible] William from what you [illegible] it,-that is [illegible] you mean [illegible] but I could [illegible] if [illegible] of a [illegible] property? A:-I [illegible] that it [illegible] that it was so [illegible] [illegible] news.

47 Q:-[illegible] I will ask you if you investigated the matter? A:-[illegible] Yes sir,to some extent

48 Q:-To what extent did you investigate it?

A:-Well I investigated it some.

49 Q:-Will you [illegible] I will ask you if you had the means of [illegible] investigating a matter of that kind? A:-Well I can't say that I did only in [illegible] the [illegible] of talking to some of the membership in regard

72 Q:-You joined or connected yourself with his organization on October 8th 1851? A:-Well it was in '51 and it was in the month of October, and I am pretty positive it was the eighth of the month.

73 Q:-How long did that connection continue? A:-Well if [illegible] correctly it was until about the [illegible] August.

74 Q:-[illegible] over a year? A:-Yes sir. No that is not [illegible] it would not [illegible] until October, and I left it in August.

75 Q:-[illegible] organization [illegible] quite a [illegible]? A:-[illegible] it [illegible] over into another [illegible]

76 Q:-[illegible] organization of [illegible] [illegible]? A:-[illegible]

77 Q:-[illegible] A:-[illegible]

78 Q:-[illegible] A:-[illegible]

79 Q:-[illegible] joining it? A:-[illegible] Possibly [illegible] in the [illegible] it, and [illegible]

80 Q:-[illegible] with [illegible] A:-[illegible] same?

81 Q:-[illegible] church [illegible] A:-Yes sir,-[illegible]

82 Q:-[illegible] A:-[illegible],-pre-[illegible]

83 Q:-[illegible] A:-[illegible]

84 Q:-[illegible] you [illegible] A:-[illegible] usual [illegible] and no [illegible],-

85 Q:-[illegible] or Sunday? A:-Yes sir, [illegible]

86 Q:-[illegible] A:-Yes sir.

87 Q:-[illegible] A:-[illegible] he [illegible]

88 Q:-[illegible] A:-If [illegible] taught publicly during any of the services [illegible] I [illegible] should have [illegible] it.

89 Q:-[illegible] A:-[illegible] that [illegible] sir.

90 Q:-[illegible] A:-No sir. [illegible] know anything about it.

91 Q:-[illegible] teach it, either publicly or privately to your knowledge? A:-No sir, not that I know of. I thought my former answer covered that question pretty thoroughly.

92 Q:-[illegible] you [illegible] spoken of the ordinance of sealing? A:-Yes sir.

93 Q:-[illegible] A:-Yes sir.

94 Q:-I will ask you to explain, if you can, of what that ordinance consisted?
A:-Well so far as I,-so far as matters of marriage

were concerned I never heard it advocated in those times, and I never saw any administrations of it, but there was a rumor afloat, passing from one to another that such a thing as sealing might be had, and that it related for instance to a person having a dead wife and a living one, that he might in that case be sealed to each by this ordinance, but I never heard it advocated in any way either privately or otherwise, but simply as a rumor that such a thing had been advocated by some. [illegible] I could not undertake to say.-

95 Q:-[illegible] A:-I [illegible] going [illegible] to say that William [illegible] of it [illegible]. I [illegible].

96 Q:-[illegible] William Smith [illegible].

97 Q:-[illegible] A:-[illegible]

Cross [illegible] by Mr. Stevenson.-

98 Q:-[illegible] William [illegible] faith [illegible] A:-[illegible]

99 Q:-[illegible] A:-[illegible]

100 Q:-[illegible] A:-[illegible]

101 Q:-[illegible] A:-[illegible] in [illegible]

102 Q:-[illegible] A:-[illegible] Their [illegible]

103 Q:-[illegible] was the [illegible]? A:-[illegible] only.

104 Q:-[illegible] Smith [illegible]? A:-Well I cannot say.

105 Q:-[illegible] A:-I could not say, but I remember distinctly [illegible] that [illegible] the sixth of October 1851. [illegible] it [illegible] and I remember furthermore quite distinctly of [illegible] priesthood [illegible], [illegible] in [illegible], I likewise remember that Jason W. Briggs shortly after that conference,-I could not say how long, but I should judge it was not more than a month,-possibly less,-wrote a communication down to his relatives, which I learned about, stating that he had abandoned,-or that he had rejected William

conferences, and what occurred there? A:-Well sir, I
was only a new member of the church at that time.
121 Q:-You did not hold any office in the church then?
A:-No sir, I was only a new member in the church and
was not an officer, and that was prior to the time
that Joseph F. Smith ordained William Smith and his
[illegible] I [illegible] to
[illegible] in any sense of the term,
[illegible] of the church, [illegible]
[illegible] over moving, or any thing [illegible]
[illegible] I don't [illegible] the [illegible]
[illegible] -I [illegible] yes [illegible] Hay-
[illegible]
123 Q:-[illegible]
[illegible] I'll [illegible] don't
[illegible] A:-
[illegible]
124 Q:-[illegible]
[illegible]
125 Q:-[illegible]
126 Q:-[illegible]
127 Q:-[illegible]
[illegible] to
[illegible] ly.
[illegible] if
[illegible] from
129 Q:-[illegible]
130 Q:-[illegible] A:-At that time?
A:-I could not say.

153 Q:-But this,- A:-This says,-it is signed,-the signature is William Blair and Edwin Cadwell. So that ~~al~~ claims to be a copy, for of course it is not the original,-it claims to be a copy, and the claim is a false one from the fact that the middle letter is [illegible]. I never signed it, "William [illegible]" in my life [illegible],-I am positive [illegible] I never signed it [illegible] always been my custom to [illegible],-that is I don't [illegible] William Wallace Blair and [illegible] "William Wallace" [illegible] material [illegible] to write my name [illegible] "William Blair," [illegible] "copy of the original" [illegible] William Blair. [illegible]

154 [illegible] this [illegible]

155 [illegible]

156 [illegible]

157 [illegible]

158 [illegible]

159 [illegible]

160 [illegible]

161 [illegible]

162 [illegible]

163 Q:-[illegible] A:-[illegible] but [illegible] mistaken about it. [illegible] taken by Elder Cadwell and myself and others that he was charged him unfairly and [illegible] in that respect.

164 Q:-You did not think he had made a true charge against him? A:-No sir.

165 Q:-And is it not a fact that you yourself, and others left the church after that, [illegible] that as one of the [illegible] for leaving the church? A:-Yes sir, [illegible] in that connection I will say that [illegible] you have been [illegible] letter, and [illegible] reveal [illegible] it.

166 Q:- [illegible] ? A:-It [illegible]

167 Q:- [illegible] it.

[illegible] little [illegible]

168 Q:- [illegible]

169 Q:- [illegible]

170 Q:- [illegible]

171 Q:- [illegible]

172 Q:- [illegible] likely [illegible]

173 Q:- [illegible]

174 Q:- [illegible]

175 Q:- [illegible]

176 Q:- [illegible] it [illegible]

177 Q:- [illegible] ? A:- [illegible]

178 Q:- [illegible] William Smith's [illegible] ? A:-Will I [illegible]. I [illegible] 1857 [illegible] October 1857 [illegible]

179 Q:- [illegible] at that time? A:- [illegible] at Blanchardville, and that [illegible] 1857.

180 Q:- [illegible] at Blanchardville, [illegible] ? A:- [illegible]

181 Q:- [illegible] question, -did you [illegible] the evidence? A:- [illegible] think [illegible] that.

182 Q:-Did you [illegible] anything about [illegible] letter to Brigham [illegible] one [illegible], in which he said in reference to William Smith,

[illegible] letter written by William Smith to this [illegible] expressing his views in regard to a plurality of wives? A:-[illegible] I have a conversation with [illegible]?

189 Q:-[illegible] A:-I [illegible] of that.

184 Q:-[illegible] of that kind? A:-[illegible]

189 Q:-[illegible] letter [illegible] plurality [illegible] A:-[illegible] letter [illegible]

188 A:-[illegible] kind

187 Q:-[illegible] A:-[illegible] William [illegible]

186 [illegible]

183 A:-[illegible]

190 Q:-[illegible]

Q:-[illegible]

A:-[illegible]

191 Q:-[illegible]

192 Q:-[illegible]

Q:-[illegible]

193 Q:-[illegible] A:-[illegible]

194 Q:-[illegible]

Q:-[illegible]

195 Q:-[illegible]

or [illegible]? A:-[illegible] but [illegible]

198 Q:-[illegible] Alva Smith [illegible] of [illegible] or not? A:-[illegible] likely [illegible] but I don't [illegible] positively.

197 Q:-Do you know what official position Cadwell occupied in William Smith's church? A:-He was an older, but I don't know but that he was a member of the twelve.

198 Q:-In William Smith's church? A:-Yes sir.

By Mr. Kelley.-

199 Q:-Is power believed in or talked of by you? A:-Yes sir [illegible]

By Mr. [illegible].-

200 Q:-Mr. [illegible] spoken [illegible] by you? A:-[illegible]

201 Q:-[illegible] a [illegible] world [illegible] understood [illegible] con- [illegible] cur [illegible]

202 Q:-[illegible] and [illegible] unity, [illegible] and [illegible] vor. [illegible]

203 Q:-[illegible] A:-[illegible] and [illegible] church [illegible]

204 Q:-[illegible]

205 Q:-[illegible]

206 Q:-[illegible] A:-[illegible] those [illegible] I did [illegible] I had [illegible] investigated [illegible] that [illegible] the church, and [illegible] Day Saints [illegible] but of course [illegible] time it was quite well understood

218 Q:-Is it not a fact that you left William Smith's church-chiefly on account of your investigation in regard to the truth of that charge of polygamy?
A:-Well it was partially so.
219 Q:-That is all.
By Mr. Tresler,-
[illegible] Q:-[illegible] and explain if you have any explanation [illegible] A:-[illegible] taught it, [illegible] we are [illegible] taught it, [illegible] either, [illegible] I never heard it [illegible] in private, by either of them, but [illegible] to a [illegible] in which [illegible] of [illegible] I know [illegible] it, [illegible] I was [illegible] from [illegible] and I [illegible] if [illegible] or, [illegible] or[illegible]

By [illegible]:-
2[illegible] Q:-[illegible] you [illegible] suf- [illegible]

[illegible]

[illegible] d [illegible] rity [illegible] and [illegible] trans- [illegible] appear [illegible] ore [illegible] out [illegible] ture [illegible]

[illegible] e [illegible] and [illegible] ity [illegible] ate [illegible] ting [illegible]

[illegible]

[illegible]